

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 22, 2010**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, February 22, 2010, with President Vaughn presiding.

Councillor Scales led the opening prayer and welcomed Boy Scout Troop 441 to lead the Pledge of Allegiance to the Flag and invited all present to join them.

ROLL CALL

President Vaughn instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Bateman, Brown, Cain, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
2 ABSENT: Cardwell, Smith

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Scales recognized Scout Troop 441 from St. Pious Church, which has been in existence for 30 years. Councillor Lutz welcomed Speedway residents, Dr. Kenneth Hall, superintendent of Speedway Schools; Scott Harris, executive director of the Speedway Development Commission; Vince Novelin, Economic Development Commission; and Tom Smith, Will Scott, Debbie Gonzalez and Dr. Terry Reid, members of the Speedway School Board. Councillor Oliver recognized former Council member Frank Short.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 22, 2010, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Ryan Vaughn
President, City-County Council

February 2, 2010

TO PRESIDENT VAUGHN AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 5, 2010 a copy of a Notice of Public Hearing on Proposal Nos. 32 and 35-37, 2010, said hearing to be held on Monday, February 22, 2010, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the Council

February 13, 2010

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the following ordinances:

FISCAL ORDINANCE NO. 1, 2010 – approves a transfer of \$60,369,628 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Marion County Sheriff, Marion Superior Court, Marion County Coroner, Marion County Prosecutor, Public Defender Agency and Forensic Services Agency (Public Safety Income Tax, IMPD General and County General Funds) in compliance with Indiana Code that all monies collected from the public safety income tax be accounted for in a separate fund

GENERAL ORDINANCE NO. 2, 2010 – amends the Code to provide for motorcycle parking meter spaces

GENERAL ORDINANCE NO. 3, 2010 – directs and authorizes the county information technology board's chief information officer to analyze the information technology systems of certain city and county agencies, and to report findings and recommendations to the board and to the Council

GENERAL ORDINANCE NO. 4, 2010 – authorizes a change in parking meter zones on New York Street (District 15)

GENERAL ORDINANCE NO. 5, 2010 – authorizes parking restrictions on Franklin Road from 21st Street to the dead end (District 17)

GENERAL ORDINANCE NO. 6, 2010 – amends the Code to extend the probationary period for members of the metropolitan law enforcement agency for more meaningful review of performance at work and in the field during field training

SPECIAL RESOLUTION NO. 2, 2010 – recognizes Roderick H. Morgan

February 22, 2010

SPECIAL RESOLUTION NO. 3, 2010 – recognizes the Greater Indy Neighborhoods Initiative (GINI)

SPECIAL RESOLUTION NO. 4, 2010 – confirms and celebrates the initiative between the City of Indianapolis, the International Center and the National League of Cities' (NLC) Municipal Action for Immigrant Integration (MAII)

SPECIAL RESOLUTION NO. 5, 2010 – recognizes the League of Women Voters' 90th Anniversary

SPECIAL RESOLUTION NO. 6, 2010 - determines the need to lease approximately 3,373 square feet of commercial office space at 5226 Elmwood Avenue for use by the Marion County Assessor

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor McQuillen moved to move Proposal No. 63, 2010 from Introduction of Proposals under Presentation of Special Resolutions in order to act on it this evening.

Councillor Sanders stated that the minority caucus attorney brought it to her attention that this appointment needs to be made this evening to provide the Indianapolis Housing Authority a quorum in order to complete an upcoming March agenda. She urged her colleagues to support the motion. The agenda was amended by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of February 1, 2010. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 23, 2010. The proposal, sponsored by Councillors Plowman, Coleman, Moriarty Adams, Hunter and Brown, recognizes the Class 5A Warren Central Warriors for their fifth State Football Championship victory in eight years. Councillor Coleman moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 23, 2010 was adopted by a unanimous voice vote.

Proposal No. 23, 2010 was retitled SPECIAL RESOLUTION NO. 7, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 2010

A SPECIAL RESOLUTION recognizing the Class 5A Warren Central Warriors for their fifth State Football Championship Victory in eight years.

WHEREAS, on November 21, 2009, Lucas Oil Stadium was packed with fans full of excitement for the Class 5A state championship game that put the Warren Central Warriors, against the Carmel Greyhounds; and

WHEREAS, the Warren Central Warriors are now savoring their win over Carmel by a 42-36 victory to bring home a fifth state 5A title; and

WHEREAS, the Warriors set a goal to bring home the title and they did; and

WHEREAS, the team played together with great heart and character, with the seniors on the team being leaders by setting examples and the underclassmen putting on an outstanding performance; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Warren Central Warriors on their fifth win in eight years as the Indiana State Football Champion Class 5A Team.

SECTION 2. The Council wishes much success to the seniors on the team as they complete their last year in high school and hopes that future Warriors bring championships back to Indianapolis.

SECTION 3. The Council expresses its gratitude to Coach Hart for continuing Coach Wright's strong team values and character lessons in his students that will surely last a lifetime.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 73, 2010. The proposal, sponsored by Councillor Evans, recognizes Cathedral High School. Councillor Evans read the proposal and presented representatives with copies of the document and Council pins. Representatives thanked the Council for the recognition. Councillor Evans moved, seconded by Councillor Brown, for adoption. Proposal No. 73, 2010 was adopted by a unanimous voice vote.

Proposal No. 73, 2010 was retitled SPECIAL RESOLUTION NO. 8, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 2010

A SPECIAL RESOLUTION recognizing Cathedral High School.

WHEREAS, on January 15, 2010, Cathedral High School held a "Go Blue for Haiti" Day, where students, faculty and staff could donate funds to have the privilege to wear jeans and Indianapolis Colts attire to school that day; and

WHEREAS, the money raised during this effort, in addition to a spare change drive held during lunch periods, went to assist in the rescue and recovery efforts in Haiti. The amount that was raised for Haiti totaled \$5,410.22; and

WHEREAS, for many years, The Brothers of the Holy Cross who staffed Cathedral had strong ties and presence in Haiti. The efforts of the students, faculty and staff pitching in together towards one goal are representative of what Cathedral tries to accomplish each day; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council recognizes Cathedral High School's students, faculty and staff for their outstanding community service and support.

SECTION 2. The Council extends their appreciation and gratitude for the commitment of Cathedral to the citizens of Port-au-Prince, Haiti.

PROPOSAL NO. 74, 2010. The proposal, sponsored by Councillors Evans, Lewis and McHenry, recognizes Pike Township Schools and Pike Performing Arts Center. Councillors Evans and McHenry read the proposal and presented representatives with copies of the document and Council pins. Representatives thanked the Council for the recognition. Councillor Evans moved, seconded by Councillor McHenry, for adoption. Proposal No. 74, 2010 was adopted by a unanimous voice vote.

Proposal No. 74, 2010 was retitled SPECIAL RESOLUTION NO. 9, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2010

A SPECIAL RESOLUTION recognizing Pike Township Schools and Pike Performing Arts Center.

WHEREAS, on January 29, 2010, Pike Township Schools will be hosting a fundraising event called "Pike Helps Haiti" in conjunction with WE ARE PIKE: A Community of Multiple Literacies; and

WHEREAS, Pike Township celebrates literacy in the areas of music, dance, art, reading, writing and a variety of performances and interactive activities; and

WHEREAS, by combining the performances and activities scheduled for WE ARE PIKE, other students and community members have agreed to share their talents in an effort to raise funds for the people of Haiti; and

WHEREAS, this community effort will feature several churches, amazing performances, phenomenal art, and interactive activities and games for all ages, and the money donated and raised will go to the American Red Cross to help those affected by the earthquake; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council recognizes Pike Township Schools and Pike Performing Arts Center students, faculty and staff for their outstanding community service and support.

SECTION 2. The Council extends their appreciation and gratitude for the commitment of Pike Township to the citizens of Port-au-Prince, Haiti.

PROPOSAL NO. 75, 2010. The proposal, sponsored by Councillor Hunter, recognizes the RTV6 Toy Drive and an Eastside Partnership. Councillor Hunter read the proposal and presented representatives with copies of the document and Council pins. Jeff Bennett, Warren Township Trustee, thanked the Council for the recognition. Councillor Hunter moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 75, 2010 was adopted by a unanimous voice vote.

Proposal No. 75, 2010 was retitled SPECIAL RESOLUTION NO. 10, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2010

A SPECIAL RESOLUTION recognizing the RTV 6 Toy Drive and an Eastside Partnership:

WHEREAS, RTV 6 partnered with Gleaners Food Bank, FedEx, AAA Hoosier Insurance, Dial One Hour to collect and supply toys for families in need at Christmas; and

WHEREAS, Donations were received from area businesses; local groups, including sororities, alumni groups and the scouts; area schools and a countless number of Hoosiers; and

WHEREAS, a number of eastside businesses, organizations, and individuals collected and donated toys, including Antiques on the Corner, Community Heights Neighborhood Association, Lutheran Child and Family Services, Morningstar Golf Club, Naptown Roller Girls, National Labor Relations Board, Opportunity Buys, Post Road Christian Church, Shepherd Community Center, Tie Dye Grill, Town of Cumberland, and United Consulting, Kappa League of Warren Central High School, Warren Township Democratic Club, Warren Township Republican Club, York Quality AC & Heating and ZLB Plasma Center; and

WHEREAS, Fed Ex was instrumental in delivering the toys to the families, and Warren Township Trustee Jeff Bennett helped organize the partnership and offered the Warren Township Government Center as a distribution site; and

WHEREAS, as a result of the eastside partnership, financial and in-kind contributions were made by Troy Powell with International Paper; Lifeline Data Centers co-owners, Rich Banta and Alex Carroll; manager Chad Clark with Meijer; Tuchman Cleaners; manager Steve Guzik with Walmart; the Warren Lions Club; the Warren Township Fire Department Ladies' Auxiliary; and Ruth Ann Walker, Mayor's Liaison for Warren Township; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Kevin Gregory, Teri Cope and the RTV 6 staff, along with their partners, for their efforts each year in ensuring that many Indianapolis children have smiling faces on Christmas morning.

SECTION 2. The Council commends the efforts of all who took part in this great display of community service and neighborly compassion.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 76, 2010. The proposal, sponsored by Councillors Lewis, Pfisterer and McHenry, recognizes Westview Hospital. Councillor Lewis read the proposal and presented representatives with copies of the document and Council pins. Representatives thanked the Council for the recognition. Councillor Lewis moved, seconded by Councillor McHenry, for adoption. Proposal No. 76, 2010 was adopted by a unanimous voice vote.

Proposal No. 76, 2010 was retitled SPECIAL RESOLUTION NO. 11, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2010

A SPECIAL RESOLUTION recognizing Westview Hospital.

WHEREAS, Westview Hospital is Indiana's only osteopathic hospital; and

WHEREAS, the hospital is a full-service acute care medical and surgical facility with a 24-hour emergency department and advanced treatment services; and

WHEREAS, Westview Hospital has 450 employees and provides health and wellness services to more than 18,000 people annually; and

WHEREAS, the hospital continues its vision to provide the best patient-centered osteopathic health care; and

WHEREAS, Westview Hospital opened in March of 1975 and celebrates its 35th anniversary this year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Westview Hospital for its many years of service to the Indianapolis community.

SECTION 2. The Council congratulates Westview Hospital on providing patient-centered services and wishes it continued future success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 77, 2010. The proposal, sponsored by Councillor Pfisterer, recognizes My Sister's Place for their continuous service to the community. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Carol Wellman, My Sister's Place, thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Cain, for adoption. Proposal No. 77, 2010 was adopted by a unanimous voice vote.

Proposal No. 77, 2010 was retitled SPECIAL RESOLUTION NO. 12, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2010

A SPECIAL RESOLUTION recognizing My Sister's Place for their continuous service to the community.

WHEREAS, My Sister's Place assists displaced women in the community to re-establish themselves and enable them to become independent and self-sustainable. The organization provides a safe, nurturing environment that allows women to heal from the grief, trauma, and adversity they have faced; and

WHEREAS, My Sister's Place was established in 2008 to provide women with transitional housing and resources to help them become self-sustainable. The agency provides shelter, clothing, food, and resources such as addiction recovery counseling, parenting classes, grief counseling, anger management, and employment training. My Sister's Place lends a helping hand and shows compassion not only to their client base, but to anyone in the community who has a need for the kind of resources the organization has available; and

WHEREAS, My Sister's Place was established by Executive Director, Carol Wellman, to provide services to women displaced through domestic violence, mental illness, addiction or incarceration. Typically, displaced women have a much more difficult time than their male counterparts re-entering society in a capacity that allows them to be self-sustaining. My Sister's Place offers the community the resources needed to overcome the obstacles and trials faced by women who have become displaced; and

WHEREAS, Ms. Wellman is a long time resident of Indianapolis who has overcome tremendous odds and adversity to establish My Sister's Place for women in need. She overcame homelessness and addiction and received a Master's degree in Social Work at IUPUI. Ms. Wellman established My Sister's Place in order to give back to the community and provide hope and inspiration to women who have been through similar trials than she has, so these women might overcome their obstacles to living productive, meaningful lives; and

WHEREAS, My Sister's Place has mounted a grass roots campaign to bring awareness and funding to the organization. The organization is also self-funding an environmentally friendly janitorial service to provide job training and employment opportunities to women who have to be taught the necessary skills to be competitive in today's market; and

WHEREAS, Carol Wellman and Marketing Director, Kimberly Beward, have combined their social work and business experience to develop an agency that takes a comprehensive approach to the rehabilitation and re-entry opportunities needed by displaced women; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council commends Ms. Carol Wellman for her efforts and dedication to providing assistance to the many displaced women in the community.

SECTION 2. The Council proudly recognizes and applauds My Sister's Place for their devotion and endless displays of compassion to all of those in the Indianapolis community who have a need.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 78, 2010. The proposal, sponsored by Councillor Hunter, extends the termination date of the Children's Guardian Home Re-Use Authority to September 1, 2010. Councillor Hunter read the proposal, and moved, seconded by Councillor McQuillen, for adoption. Proposal No. 78, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
1 NAY: Coleman
2 ABSENT: Cardwell, Smith

Proposal No. 78, 2010 was retitled COUNCIL RESOLUTION NO. 13, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 2010

A PROPOSAL FOR A SPECIAL RESOLUTION extending the termination date of the Children's Guardian Home Re-Use Authority to September 1, 2010.

WHEREAS, City-County Fiscal Ordinance No. 23, 2009, established the Children's Guardian Home Re-Use Authority; and

WHEREAS, that Ordinance provided that the authority shall cease to exist on or before March 1, 2010; and

WHEREAS, that authority has not finished its report and needs additional time to complete it; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Children's Guardian Home Re-Use Authority" shall not cease to exist on March 1, 2010, but shall continue in existence until August 31, 2010, to complete the purposes for which it was established.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 79, 2010. The proposal, sponsored by Councillors Sanders, Mansfield, Minton-McNeill and Lewis, Moriarty Adams, supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council. Councillor Sanders moved to amend the proposal to reflect the correct citation of the Indiana Code in the first Whereas statement as IC 36-3-4-23. Councillor Mansfield seconded the motion, and Proposal No. 79, 2010 was amended by a unanimous voice vote. Councillor Sanders read the proposal and moved, seconded by Councillor B. Mahern, for adoption.

Councillor Lutz said that he does not have problems with everything contained in this proposal, but has some serious issues with some of the wording. He said that the authority to do this does reside with the Council. The proposal implies that there is no compliance with provisions of Title V of the Indiana Code, and also implies that something is going on in secret, which is clearly not the case. He said that IC 5-22 deals with expenditures, and this is not an expenditure. IC 8-1.5 applies to municipalities except consolidated cities, and Indianapolis is a consolidated city. Councillor Lutz said that State law allows for a request for expression of interest (REI), just as a request for proposals (RFP), and he believes the REI to be a much more transparent and open approach than merely asking for bids. He said that the REI and all its responses are all posted

online and available for everyone to see. He added that the current water system is failing and does not have the funds to deliver reliable water service, with a debt load three times what it was when the City took over the water system. He said that he does not know how much more transparent the administration could be than they are already with this transaction. He said that there have been public meetings, and at least 18 Council briefings. He said that there is nothing concrete still at this time, and negotiations continue, and a proposal will eventually be forthcoming to the Council to be fully debated. He said that he supports the normal Council process and moved, seconded by Councillor Cain, to refer Proposal No. 79, 2010 to committee for a more thorough discussion.

Councillor Sanders encouraged her colleagues not to send Proposal No. 79, 2010 to committee, as there is too much rumor or innuendo out there regarding this deal, and she urged her colleagues to oppose the motion.

President Vaughn said that in the spirit of the proposal, further committee hearings on this matter with more open discussion, could not possibly work against what Councillor Sanders is trying to achieve. He encouraged members to support the motion to send the proposal to committee. He said that this resolution falls under Sec. 151-161(b) of the Code which indicates that a resolution can be referred to a committee with a vote of eight members of the Council.

Councillor Nytes asked which committee this proposal would be assigned to if referred to committee. President Vaughn stated that he will refer it to the Rules and Public Policy Committee. Councillor Nytes asked if the discussion in committee could include the entire process as well as the substance of the proposal. President Vaughn said that this would be up to the chairman of that committee, but he would think that is the type of discussion he would entertain. Councillor Nytes asked if it might then give them an opportunity to have a more public discussion about this process before the Council is handed a “done deal.” President Vaughn said that the Council will not be handed a “done deal,” as the deal is not done until the Council votes on it.

Councillor B. Mahern said that he would amend the motion to send it to the Public Works committee, as this seems to be a matter that deals with the Water Utility, and it would better fit in that committee. President Vaughn said that committee assignments are at the discretion of the President. He said that this proposal deals with the procedure as to how these procurements are made, and he would therefore send it to the committee that deals with rules and public policy. Councillor B. Mahern said that he would therefore speak against the motion.

The motion to refer Proposal No. 79, 2010 to committee, needing only eight votes for referral, carried on the following roll call vote; viz:

13 YEAS: Cain, Cockrum, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Speedy, Vaughn

14 NAYS: Bateman, Brown, Coleman, Evans, Gray, Lewis, MahernB, MahernD, Mansfield, Minton McNeill, Moriarty Adams, Nytes, Oliver, Sanders

2 ABSENT: Cardwell, Smith

President Vaughn stated that Proposal No. 79, 2010 is therefore referred to the Rules and Public Policy Committee.

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that she is not opposed to vetting this proposal, but has concerns about its timeliness given the amount of rumor and innuendo surrounding this process.

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 30 and 31, 2010 on February 2, 2010. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 30, 2010. The proposal, sponsored by Councillor Speedy, approves the Mayor's appointment of Dennis G. Papenmeier as hearing officer to preside over the administrative adjudication of parking citations. PROPOSAL NO. 31, 2010. The proposal, sponsored by Councillor Speedy, approves the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of environmental violations. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Pfisterer moved, seconded by Councillor McQuillen, for adoption. Proposal Nos. 30 and 31, 2010 were adopted on the following roll call vote; viz:

25 YEAS: *Bateman, Brown, Cain, Cockrum, Day, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*
0 NAYS:
2 NOT VOTING: *Coleman, Evans*
2 ABSENT: *Cardwell, Smith*

Proposal No. 30, 2010 was retitled COUNCIL RESOLUTION NO. 34, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Dennis G. Papenmeier as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Dennis G. Papenmeier to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Dennis G. Papenmeier is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

SECTION 2. This ordinance shall be in effect upon adoption and compliance with I.C. § 36-3-4-14.

Proposal No. 31, 2010 was retitled COUNCIL RESOLUTION NO. 35, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of environmental violations on behalf of the Consolidated City of Indianapolis and Marion County.

February 22, 2010

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-503 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of environmental violations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of John C. Krause to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. John C. Krause is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

SECTION 2. This ordinance shall be in effect upon adoption and compliance with I.C. § 36-3-4-14.

Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 40 and 41, 2010 on February 3, 2010. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 40, 2010. The proposal, sponsored by Councillors Mansfield and Hunter, appoints Kenneth D. Adams, Jr. to the Citizens Police Complaint Board. PROPOSAL NO. 41, 2010. The proposal, sponsored by Councillor Hunter, reappoints Brian J. Tuohy to the Marion County Public Defender Board. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Cain, for adoption. Proposal Nos. 40 and 41, 2010 were adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cockrum, Day, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Coleman, Evans

2 ABSENT: Cardwell, Smith

Proposal No. 40, 2010 was retitled COUNCIL RESOLUTION NO. 36, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 2010

A COUNCIL RESOLUTION appointing Kenneth D. Adams, Jr. to the Citizens Police Complaint Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Citizens Police Complaint Board, the Council appoints:

Kenneth D. Adams, Jr.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2012. The person appointed by this resolution shall serve at the pleasure of the Council and until a successor is appointed and qualified.

Proposal No. 41, 2010 was retitled COUNCIL RESOLUTION NO. 37, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 2010

A COUNCIL RESOLUTION reappointing Brian J. Tuohy to the Marion County Public Defender Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Public Defender Board, the Council reappoints:

Brian J. Tuohy

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 45, 2010 Councillor Speedy reported that the Public Works Committee heard Proposal No. 45, 2010 on February 11, 2010. The proposal, sponsored by Councillor Hunter, appoints Aaron A. Schmoll to the Air Pollution Control Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Speedy moved, seconded by Councillor Hunter, for adoption. Proposal No. 45, 2010 was adopted on the following roll call vote; viz:

25 YEAS: *Bateman, Brown, Cain, Cockrum, Day, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*

0 NAYS:

2 NOT VOTING: *Coleman, Evans*

2 ABSENT: *Cardwell, Smith*

Proposal No. 45, 2010 was retitled COUNCIL RESOLUTION NO. 38, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 2010

A COUNCIL RESOLUTION appointing Aaron A. Schmoll to the Air Pollution Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Air Pollution Control Board, the Council appoints:

Aaron A. Schmoll

SECTION 2. The appointment made by this resolution is for a term ending June 6, 2012. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 63, 2010. The proposal, sponsored by Councillor Vaughn, reappoints Gordon Smith to the Indianapolis Housing Agency Board of Directors. Councillor McQuillen reported that the board is not able to conduct business without a quorum, and therefore this is a timing issue, as this is a reappointment. He moved, seconded by Councillor Sanders, for adoption.

Councillor Mansfield asked why there are not enough board members for a quorum on this board. Councillor Sanders said that there are other appointing authorities who have not yet made their appointments, and unfortunately, the Council has no control over those appointments.

Proposal No. 63, 2010 was adopted on the following roll call vote; viz:

24 YEAS: Bateman, Brown, Cockrum, Day, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

3 NOT VOTING: Cain, Coleman, Evans

2 ABSENT: Cardwell, Smith

Proposal No. 63, 2010 was retitled COUNCIL RESOLUTION NO. 39, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 2010

A COUNCIL RESOLUTION reappointing Gordon Smith to the Indianapolis Housing Agency Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Housing Agency Board of Directors, the Council reappoints:

Gordon Smith

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2013. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 42, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves crime prevention initiative grant awards to specific organizations as recommended by the Crime Prevention Advisory Board and as approved by the Mayor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 62, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which authorizes the execution of guaranteed energy savings contracts with three qualified providers for the implementation of recommended conservation measures"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 64, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jeffrey M. Wells to the Crime Prevention Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 65, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Marilyn Pfisterer to the Early Intervention Planning Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 66, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Patricia Jones to the Early

Intervention Planning Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 67, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Linda Hogan to the Early Intervention Planning Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 68, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$35,000 in the 2010 Budget of the Metropolitan Emergency Communications Agency (MECA and MECA Emergency Telephone System Funds) to fund overtime costs related to the operations of the customer service desk"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 69, 2010. Introduced by Councillors Minton-McNeill and D. Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at the intersection of Washington Street and California Street (Districts 15 and 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 70, 2010. Introduced by Councillor Minton-McNeill. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking and manner of parking on Milburn Street between 14th Street and Indiana Avenue (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 71, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of one or more series of Indiana Waterworks District Net Revenue Bonds or notes in an aggregate principal amount not to exceed \$1.2 million to fund special main extension projects to serve unserved areas by funding through the State Revolving Loan Fund"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 72, 2010. Introduced by Councillors Speedy and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to make technical corrections and clarify provisions as a result of the excluded City of Beech Grove having exercised its statutory right to withdraw from the Marion County Stormwater Management District"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 61, 2010. In Councillor Cardwell's absence, Councillor McQuillen reported that the Economic Development Committee heard Proposal No. 61, 2010 on February 17, 2010. The proposal, sponsored by Councillor Cardwell, is a final bond ordinance for GMF-Berkley Commons, LLC in an amount not to exceed \$22,500,000 for the purpose of financing the acquisition and renovation of an existing 544-unit multifamily housing residential rental project known as the Berkley Commons Apartments (District 24). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McQuillen moved, seconded by Councillor Day, for adoption. Proposal No. 61, 2010 was adopted on the following roll call vote; viz:

February 22, 2010

23 YEAS: *Bateman, Cain, Cockrum, Day, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*

0 NAYS:

4 NOT VOTING: *Brown, Coleman, Evans, Oliver*

2 ABSENT: *Cardwell, Smith*

Proposal No. 61, 2010 was retitled SPECIAL ORDINANCE NO. 1, 2010, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 2010

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$22,500,000 aggregate principal amount of its City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds (GMF - Berkley Commons Apartments Project), Series 2010 (the "Bonds") in one or more series of its Bonds and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of economic development facilities, for diversification of economic development and creation or retention of opportunities for gainful employment; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of GMF - Berkley Commons, LLC, a Tennessee limited liability company (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, renovation and equipping of a multifamily housing facility known as Berkley Commons Apartments consisting of 544 apartment units, together with functionally related and subordinate facilities such as recreational facilities and parking areas, located at 8201 S. Madison Avenue, in Indianapolis, Indiana (the "Project") in Council District 24 of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon; and

WHEREAS, the Commission after a public hearing held on February 3, 2010, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens through the requirement that the Project serve persons and families of low and moderate income; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility of facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$22,500,000 aggregate principal amount of the Bonds; and

WHEREAS, the Issuer intends to issue the Bonds in one or more series pursuant to a Trust Indenture (the "Indenture") dated as of February 1, 2010, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company for the purpose of the acquisition, renovation and equipping of the Project pursuant to a Loan Agreement with respect to the Bonds among the Issuer, the Trustee and the Company (the "Loan Agreement") dated as of February 1, 2010, provided, however, that the aggregate principal amount of the Bonds shall not exceed \$22,500,000; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-6; and

WHEREAS, there has been submitted to the Commission for its approval substantially final forms of the Indenture, Loan Agreement, Bond Purchase Agreement, Regulatory Agreement, Pilot Agreement, Continuing Disclosure Agreement, Preliminary Limited Offering Memorandum, the forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of ordinance which were incorporated by reference in the Commission's Resolution adopted on February 3, 2010, which Resolution has been transmitted hereto; and

WHEREAS, the Borrower will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the funding approved by the Commission for the Project will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to finance the costs of the Project, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate combined principal amount not to exceed \$22,500,000; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of the acquisition, renovation and equipping of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series, as described above, in the aggregate principal amount not to exceed \$22,500,000, for the purpose of procuring funds to loan to the Company in order to finance the acquisition, renovation and equipping of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Clerk of the Council and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof plus accrued interest, if any, and at a rate of interest not to exceed 10% percent per annum. The Bonds will mature no later than 40 years from the date of their issuance.

SECTION 5. The Mayor and Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require

the signature of the Mayor and/or Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Limited Offering Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Limited Offering Memorandum is hereby authorized to certify to the underwriter, that the information in the Preliminary Limited Offering Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Limited Offering Memorandum.

SECTION 8. Subject to the obligations of the Borrower set forth in the Loan Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 10. The Borrower will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 11. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 12. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 13. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 14. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

SECTION 15. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NOS. 80-81, 2010. Introduced by Councillor Vaughn. Proposal Nos. 80-81, 2010 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 11, 2010. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 13-14, 2010, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 80, 2010.

2009-ZON-056 (Amended)

2940 NORTH KEYSTONE AVENUE (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 9

STACEY ANDERSON requests Rezoning of 0.375 acre, from the SU-7 District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 81, 2010.

2009-ZON-067

6020 LAKEHAVEN LANE AND 1951 WEST EDGEWOOD AVENUE

(*Approximate Addresses*), INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 22

SMITH TANK CLEANING SPECIALIST, INC., by David Kingen, requests Rezoning of 3.06 acres, from the I-2-S (W-1)(FF) and C-S (W-1)(FF) Districts, to the I-3-S (W-1)(FF) classification to provide for medium-intensity industrial uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 32, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 32, 2010 on February 2, 2010. The proposal, sponsored by Councillor Pfisterer, appropriates \$100,000 in the 2010 Budget of the Mayor's Office of Educational Innovation (Consolidated County Fund) for charter school initiatives, including a high school accountability system, a special education evaluation system and an accountability reporting initiative, funded by a grant from the National Association of Charter School Authorizers. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:14 p.m.

Larry Vaughn, citizen, stated that they are starting a new entitlement with a grant, to become dependent upon, and then not be able to fund down the line.

February 22, 2010

There being no further testimony, Councillor Pfisterer moved, seconded by Councillor McQuillen, for adoption. Proposal No. 32, 2010 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Cain, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Brown, Mansfield

2 ABSENT: Cardwell, Smith

Proposal No. 32, 2010 was retitled FISCAL ORDINANCE NO. 2, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating One Hundred Thousand Dollars (\$100,000) in the Consolidated County Fund for purposes of the Office of the Mayor.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, §1.01(a) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated to fund the following activities within the Mayor's Office of Educational Innovation (formerly known as the Office of Charter Schools): (1) a high school accountability system; (2) a special education evaluation system; and (3) an accountability reporting initiative, all funded by a grant from the National Association of Charter School Authorizers' Fund for Authorizing Excellence.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same appropriated for, the purposes as shown in Section 3 and funded by the sources identified in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MAYOR'S OFFICE</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	100,000
4. Capital Outlay	0
TOTAL INCREASE	100,000

SECTION 4. The increased appropriations authorized by Section 3 are funded by a grant from the National Association of Charter School Authorizers' Fund for Authorizing Excellence. The grant will be matched by \$25,000 which is included in the Mayor's Office annual budget for 2010.

SECTION 5. The council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 35, 2010. In Councillor Cardwell's absence, Councillor McQuillen reported that the Economic Development Committee heard Proposal No. 35, 2010 on February 17, 2010. The proposal, sponsored by Councillor Vaughn, appropriates \$5,500,000 in the 2010 Budgets of the Department of Metropolitan Development and Mayor's Office (Redevelopment General and Consolidated County Funds) for economic development projects and charter school initiatives, financed by settlement proceeds. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:30 p.m.

Larry Vaughn, citizen, asked if this is clawback money that came from a rebate, or if it was money sent to Navistar to re-educate displaced workers. President Vaughn said that the prior administration granted approximately \$18 million in tax abatements, pending obligations by Navistar, which they were unable to fulfill. As a result of a settlement on that particular issue, Navistar has agreed to give the city this \$5.5 million. Mr. Vaughn asked if they actually gave \$18 million to Navistar. President Vaughn said that the city provided Navistar with tax abatement incentives. Nick Weber, deputy mayor for economic development, stated that the funds have been received from Navistar and are awaiting the council's appropriation.

Allison Lithium, Coalition of Jobs for Justice, said that it is her understanding that this money will go to the Indiana Convention and Visitors' Association (ICVA) rather than back to the taxpayers of Warren Township. She said as a resident of Warren Township and member of a coalition concerned about the low quality of jobs the city is getting for the promise of tax abatements, she would ask the Council to insert themselves in this discussion and make sure the money goes back to the township where it belongs.

Timothy McGuire, Pike Township resident, said that it does not make sense to recycle this money back into the tax abatement process and give it to other companies, and it instead should be used to help fund the budget and provide tax relief for citizens. President Vaughn stated that this money is not being reissued in abatements in any fashion. He added that \$1.5 million is going to ICVA, and being matched by private dollars, and the remaining \$3.5 million will go to Indianapolis Economic Development, Inc. (IEDI). Mr. Weber agreed and said that one of the ways to provide tax relief for citizens is to grow the assessed value in the county, and provide more business and jobs in Marion County.

Don Harris, president of Public Party of Indiana, said that he does not see any other way this money should be used than with the fire department and bringing equipment up to snuff. President Vaughn stated that he assumes this comment is with regard to the Franklin Township firefighters taking a pay cut in order to consolidate with the Indianapolis Fire Department, which is an entirely different proposal that will be heard later on the agenda.

There being no further testimony, Councillor Hunter said that Navistar is in his district, and IEDI helps to retain jobs in the community, and using this clawback will actually help the citizens on the east side. He urged his colleagues to support this proposal.

Councillor Minton-McNeill said that there was an article in the paper that indicated charter schools would receive some of this money. She asked how much charter schools will be receiving. Mr. Weber said that charter schools will receive \$175,000, but none of that goes to any particular charter school, but simply allows for the Office of Educational Innovation (OEI) to be reorganized. He said that this will not be an ongoing cost. Councillor Minton-McNeill asked how many people are employed in that office. Mr. Weber said that there are currently seven employees, with three provided as a result of the partnership with the Indianapolis Private Industry Council (IPIC).

Councillor Oliver asked Mr. Weber to list the economic development projects and how much is allocated to each. Mr. Weber said that this fiscal ordinance puts money into different areas: OEI, ICVA, and IEDI for economic development programs, but not allocated to any specific projects at this time.

Councillor B. Mahern said that tax abatements are important, and he is glad to see the clawbacks in place, but he would have hoped it would be more than that. He asked IEDI to help promote good-paying jobs with these dollars.

Councillor McQuillen moved, seconded by Councillor Hunter, for adoption. Proposal No. 35, 2010 was adopted on the following roll call vote; viz:

23 YEAS: Bateman, Cain, Cockrum, Day, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
4 NAYS: Brown, Coleman, Evans, Minton-McNeill
2 ABSENT: Cardwell, Smith

Proposal No. 35, 2010 was retitled FISCAL ORDINANCE NO. 3, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Five Million Three Hundred Twenty-five Thousand Dollars (\$5,325,000) in the Redevelopment Fund for purposes of the Department of Metropolitan Development (DMD) and One Hundred Seventy-Five Thousand (\$175,000) in the Consolidated County Fund for the purposes of the Mayor's Office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, §1.01(g) and §1.01(a) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development (DMD) and the Mayor's Office to fund the following activities: (1) operating the business of and the preparing additional sites for economic development by Indianapolis Economic Development Inc. (IEDI); (2) providing matching funds for Indianapolis Convention and Visitors Association (ICVA) to develop a public-private partnership private foundations by leveraging grant funding from these outside sources for the purposes of ICVA; and (3) to fund personnel and other start-up costs of the Office of Educational Innovation within the Mayor's Office.

SECTION 2. The sum of Five Million Five Hundred Thousand Dollars (\$5,500,000) be, and the same appropriated for, the purposes as shown in Section 3 and funded by the sources identified in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>(a) DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	5,325,000
4. Capital Outlay	0
TOTAL INCREASE	5,325,000

<u>(b) MAYOR'S OFFICE</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	138,600
2. Supplies	0
3. Other Services and Charges	36,400
4. Capital Outlay	0
TOTAL INCREASE	175,000

SECTION 4. The increased appropriations authorized by Section 3 are funded by settlement proceeds and by the forfeiture of tax abatements.

SECTION 5. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>REDEVELOPMENT GENERAL FUND</u>
New revenues supporting the appropriations in Section 3(a):	<u>5,325,000</u>
	5,325,000

	<u>CONSOLIDATED COUNTY FUND</u>
New revenues supporting the appropriations in Section 3(b):	<u>175,000</u>
	175,000

SECTION 6. The council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that she is concerned about businesses like Navistar taking from the city and then taking away 180 good-paying jobs, but she is happy to have the money going to help an underpaid hospitality industry. She encouraged the administration to go for the full amount with clawback provisions such as these, and believed the city should have gotten at least \$15 million back in this deal.

President Vaughn said that the law is ambiguous with regard to clawbacks, and he thanked the administration for involving the Council in this particular issue.

PROPOSAL NO. 36, 2010. In Councillor Cardwell's absence, Councillor McQuillen reported that the Economic Development Committee heard Proposal No. 36, 2010 on February 17, 2010. The proposal, sponsored by Councillor Cain, appropriates \$3,000,000 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants Fund) in the form of Community Development Block Grant Disaster funds acting as fiscal agent for a pass-through grant from the Indiana State Office of Community and Rural Affairs awarded to EnerDel to purchase equipment and expand operations, which in turn will create new jobs in Marion County. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:39 p.m.

Don Harris, citizen, said that he does not know about all this money, but he knows about a department that needs money in this city, the Indianapolis Fire Department. President Vaughn said that these comments are not germane to this proposal. Mr. Harris said that these dollars should be spent with the fire department. President Vaughn said that these are federal grant dollars which are mandated to be spent in a certain way.

Larry Vaughn, citizen, asked if any of this money will be spent to train individuals for specific jobs, and if any is used to train housekeepers for the new Marriott Hotel. President Vaughn responded in the negative. Mr. Vaughn said that the city is subsidizing private companies without getting anything out of it.

There being no further testimony, Councillor Cockrum said that training for Marriott Hotel employees is an operational expense for the hotel and not the responsibility of the city.

Councillor Nytes said that EnerDell is a company involved in research and production of electronic vehicles and hybrid batteries that represent future job opportunities. She said that something good is happening with this proposal.

Councillor McQuillen moved, seconded by Councillor Sanders, for adoption. Proposal No. 36, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
1 NAY: Coleman
2 ABSENT: Cardwell, Smith

Proposal No. 36, 2010 was retitled FISCAL ORDINANCE NO. 4, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Three Million Dollars (\$3,000,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development (DMD).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, §1.01(g) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development (DMD) to act as a fiscal agent for a pass-through federal grant in the form of Community Development Block Grant Disaster funds.

SECTION 2. The sum of Three Million Dollars (\$3,000,000) be, and the same appropriated for, the purposes as shown in Section 3 and funded by the sources identified in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	3,000,000
4. Capital Outlay	0
TOTAL INCREASE	3,000,000

SECTION 4. The increased appropriation authorized by Section 3 is funded by a pass-through federal grant in the form of Community Development Block Grant Disaster funds. The Indiana State Office of Community and Rural Affairs has chosen EnerDel as the award recipient. As the only U.S. manufacturer of commercial-scale-automotive-grade lithium-ion battery systems, EnerDel will use the funds to purchase equipment and expand operations, which, in turn, will create new jobs in Marion County.

SECTION 5. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3:	3,000,000
	3,000,000

SECTION 6. The council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 37, 2010. In Councillor Cardwell's absence, Councillor McQuillen reported that the Economic Development Committee heard Proposal No. 37, 2010 on February 17, 2010. The proposal, sponsored by Councillor Cockrum, appropriates \$400,000 in the 2010 Budget of the Department of Metropolitan Development (State of Indiana Grants Fund) in the form of Industrial Development Grant funds acting as fiscal agent for a pass-through grant awarded to Lockheed Martin Aspen Systems Corporation to assist in funding purchase and installation of fiber optic cable-related equipment, which will benefit Marion County through the creation and retention of jobs. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor McQuillen moved, seconded by Councillor Day, to strike. Proposal No. 37, 2010 was stricken by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 132, 2009. Councillor Speedy reported that the Public Works Committee heard Proposal No. 132, 2009 on April 23, May 14, July 9, September 10, December 10, 2009, and again on February 11, 2010. The proposal, sponsored by Councillor Hunter, amends the Code to add a new Article VI in Chapter 261 establishing a Green Fleet Policy. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Speedy moved, seconded by Councillor Hunter, to strike. Proposal No. 132, 2009 was stricken by a unanimous voice vote.

PROPOSAL NO. 214, 2009. Councillor Speedy reported that the Public Works Committee heard Proposal No. 214, 2009 on June 18, September 10 and December 10, 2009 and again on February 11, 2010. The proposal, sponsored by Councillor Hunter, approves the purchase of certain land owned by Donro, Inc. by the Department of Public Works for construction of a stormwater improvements project. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Speedy moved, seconded by Councillor Hunter, for adoption. Proposal No. 214, 2009 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
2 ABSENT: Cardwell, Smith

Proposal No. 214, 2009 was retitled GENERAL RESOLUTION NO. 2, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 2, 2010

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County-Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

WHEREAS, the City of Indianapolis wishes to purchase an interest in land through a temporary construction easement and a permanent drainage easement and right-of-way upon a particular parcel of

real estate located in Marion County, which acquisitions are more particularly described by Exhibit "A" and Exhibit "B", respectively, and depicted by Exhibit "C", all of which are attached hereto and incorporated herein ("Real Estate Easements"); and

WHEREAS, the project for which the Real Estate Easements are being obtained is designed to construct stormwater improvements to Highland Creek and White River; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate Easements and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate Easements; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate Easements described in Exhibit "A" and Exhibit "B" (copies of which are attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66 the Real Estate is owned by Donro, Incorporated, through a Corporate Warranty Deed recorded in the office of the Marion County Recorder on September 8, 1988, as Instrument Number 880091922, and no person or firm owns more than ten percent or more of the equity of such coproration.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 43, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 43, 2010 on February 3, 2010. The proposal, sponsored by Councillors Plowman and Hunter, approves the consolidation of the Franklin Township Fire Department with the Indianapolis Fire Department on or after July 1, 2010. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Brown said that he has been a firefighter all his life, and it is probably doing him more harm than good to speak against the proposal, but every time IFD merges with a township fire department, diversity decreases over 1%. The Franklin Township Department is broke and facing layoffs or pay reductions, so now want to consolidate for job security and a pay raise. He said that this is a good thing for Franklin Township, but not for IFD and the minority people he represents. He said that it will negatively impact the people of color in the hiring and promotional process.

Councillor Oliver said that he is concerned about the seniority system and how this consolidation impacts that. Mark Renner, deputy director for the Department of Public Safety (DPS), said that the seniority system is based on the date of hire to a department and where those dates of hire might be the same, there are remedies with regard to rank for determining seniority in those cases.

Councillor Malone said that the mayor has looked at the issue of diversity overall and assigned a number of individuals to be part of his public safety diversity task force, to which both she and Councillor Lewis have been appointed. They are charged with looking at the long-term diversity issue for the city as a whole.

Councillor Nytes said that while they need to be aware of the sensitivities of diversity, the taxpayers are also concerned about steps being taken to make government more efficient and to look for savings any place they can. She commended the townships that have finally been willing to consolidate, and while these steps may be painful in the transition and there are issues to be worked out, they will be beneficial in the future.

Councillor Plowman asked all Franklin Township firefighters in attendance to stand and thanked them for their service. He added that ten years ago, this would not have been a favorable move, but economic times have changed, and many are willing to make concessions they may not have in the past in order to provide service and retain jobs. There is always a cost to consolidation, but the long-term savings will offset the temporary tax increase to pay back debt. He said that he has only had one constituent opposed to this consolidation, and most of those he has heard from support the proposal.

Councillor Lutz stated that he would like Wayne Township to also strongly consider consolidation to prevent the kind of economic challenges the other townships are now facing. He said that the Franklin Township Board, Township Trustee, and district Councillor are all in favor of the consolidation, and he feels it is a positive step. He urged his colleagues to support the proposal.

Councillor Hunter moved, seconded by Councillor Plowman, for adoption. Proposal No. 43, 2010 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Cain, Cockrum, Coleman, Day, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
5 NAYS: Brown, Evans, Gray, Lewis, Minton McNeill
2 ABSENT: Cardwell, Smith

Proposal No. 43, 2010 was retitled GENERAL ORDINANCE NO. 8, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2010

PROPOSAL FOR A GENERAL ORDINANCE to approve the consolidation of the Franklin Township Fire Department with the Indianapolis Fire Department on or after July 1, 2010.

WHEREAS, substantial operational efficiencies, a reduction of administrative costs, and economies of scale may be obtained through the consolidation of certain functions of local units of government; and

WHEREAS, Indiana statutes authorize the consolidation of a township fire department located in Marion County into the Indianapolis Fire Department; and

WHEREAS, Franklin Township of Marion County, Indiana, has adopted a resolution approving the consolidation of the Franklin Township Fire Department into the Indianapolis Fire Department and forwarded such resolution to the city-county council, as authorized by Indiana Code § 36-3-1-6.1, subsection (g); and

WHEREAS, the city-county council, having been advised by various persons and organizations with respect to the anticipated consequences of such a consolidation, now finds that such consolidation will serve the public interest by resulting in the provision of an enhanced level of public safety and fire protection services for the residents of Franklin Township, with greater efficiency and at a lower cost; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Franklin Township Fire Department (hereinafter referred to as "FTFD") of Franklin Township, Marion County, Indiana (hereinafter referred to as "Township") shall be consolidated into the Indianapolis Fire Department (hereinafter referred to as the "IFD") of the City of Indianapolis, Indiana (hereinafter referred to as "City"), as authorized by and subject to the provisions of Indiana Code § 36-3-1-6.1, and as further provided herein. Such consolidation shall be effective:

- (a) Upon the effective date of this ordinance and compliance with all procedural requirements set forth in Indiana Code § 36-3-1-6.1, subsection (g); or
- (b) At 12:00:01 a.m. local time on July 1, 2010;

whichever last occurs (hereinafter referred to as the "Effective Date").

SECTION 2. On the Effective Date and at all times thereafter, IFD shall provide fire protection services within the entire geographic area of the Township where the FTFD provides fire protection services on the date this ordinance is adopted; however, IFD shall not provide fire protection services within the geographic area of an excluded city established by Indiana Code § 36-3-1-7, unless:

- (a) On the date this ordinance is adopted, FTFD provides fire protection services within such excluded city pursuant to written agreement between the Township and the excluded city, and the City assumes such agreement under SECTION 3 of this ordinance; or
- (b) Prior to the Effective Date, the City enters into an agreement with the excluded city to provide fire services therein.

SECTION 3. On the Effective Date, and subject to the provisions of SECTION 9 of this ordinance, the below described real property currently utilized by the Township for fire and emergency response purposes, as well as all personal property, equipment, records, rights, and contracts that are owned or used by the Township in its fire and emergency response operations for the benefit of the FTFD (unless specifically excluded below) shall be transferred and assigned to the City, for and on behalf of the IFD. Such real and personal property shall include the following assets listed in this SECTION.

- (a) REAL PROPERTY. The Township shall convey to the City title to the following real property, as well as all physical assets contained therein (other than vehicles and equipment not specifically listed below) that are used in the operations of the FTFD:
 - (1) FTFD Station 52, located at 1125 House Street;
 - (2) FTFD Station 54, located at 8025 South Combs Road; and
 - (3) FTFD Station 55, located at 10515 East Thompson Road.
- (b) VEHICLES. The Township shall convey to the City title to the following vehicles and fire-fighting apparatus used in the operations of the FTFD:

<i>Asset/Serial No.:</i>	<i>Item Description:</i>	<i>Category Code:</i>
2009 Chev Kodiak 4500	Red w/Horton box – Medic 54	1GRE4V19778E418413
1990 White/Volvo	Red-Tanker 55	4V2ACBE4MN638920
1997 Ford Expedition	White 4WD	1FMEU18W9VLB09874
1997 Ford Expedition	White 4WD	1FMEU18W9VLB09875
1999 International	Red-Tanker 52	1HTGLAHT0YH254043
2000 Ford Crown Vic	Burgundy, Car	2FAFP71W0YX121261
2000 Ford F250	Red, 4WD – Grass Rig 55	1FTN21L4YEB05843
2002 Ford – F150	Red 2WD 504	2FTRX17W82CA84860
2003 Ford Expedition	Burgundy, 4WD	1FMPU16L53LB66653
2003 Ford Expedition	Burgundy, 4WD	1FMPU16L53LB66654
2004 Ford Explorer	White 4WD 509	1FMZU72K24UB28401
2005 Ford E-250	White Van 571	1FTNE24W85HA45374
2005 Ford F-150	White 4WD 550	1FTRX14W65FB37147
2007 Chevrolet 2500	White 2WD 507	1GCHC24U07E117268
2007 Seagrave Engine	Red – Engine 52	1F9EW28T97CST2056
2007 Seagrave Engine	Red – Engine 52	1F9EW28T97CST2055
1985 Chevrolet P-30	Red Step Van TSU 51	1GCJP32M5F3340091
1986 Ford C8000	Red, Rescue Engine (Reserve)	1FDYD8001HVA08207
1988 Ford C800 Pierce	Fire Pumper – E56	1FDYD80U8JVA08064
1997 KME Aerial Cat	Red Aerial-Ladder 51	1K9AF4287VN058508
1999 Ford Econoline	Red Ambulance (Reserve) AM 57	1FDXE40F7XHA74647
2001 KME Renegade Excel	Fire Pumper – E54	1K9AF42892N058408
2001 KME Renegade Excel	Fire Pumper – E53	1K9AF42881N058317
2002 Ford Expedition	White 4WD	1FMRU16W12LA49038
2003 Ford F-350	Red-Car 570	1FDWF37F52EB37070
2003 Ford E-450	Red Ambulance (Reserve) AM56	1FDXE45F33HB23300
2003 Ford Econoline	Red Amb/Converted to Flat Bed Unit 3-2009	1FDXE45F93HB14679
2004 KME Excel MF	Red Heavy Rescue TAC 53	1K9AF42894N058802

2005 Chevrolet 1500	Red 2WD 506	2GCEC13T951313522
2005 Chevrolet Tahoe	White 2WD 502	1GNEC13V25J194775
2007 Horton-06Ford Chassis	Red Ambulance Medic 51	1FDXE45P26DB13362
1991 Pierce Arrow	100' Aerial Platform 53	4PICA02GXMA000194
Fisher Boat	Alum John Boat BT 53	BUJ10140C203
1998 Zodiac Boat	Inflatable Boat Z53	FR-XDC8882KJ899
MSI Utility Trailer	Grounds Maintenance	48B500G2621053821
1997 Trailstar Boat Trailer	Used for Boat	4TM11FD18VB002631
EZ Go Golf Cart	EMS	557582
1995 Haulmark Trailer *	Prevention	16HCB121XTH034169
1996 Hoosier Trailer *	Flat Bed 12'	12FB7000045900000
1996 Hoosier Trailer *	Flat Bed 8'	8UT10000356000000

- (c) **OTHER PERSONAL PROPERTY.** The Township shall convey to the City, on or before the Effective Date, ownership of all other items of personal property and assets that are owned by the Township as of the date of this ordinance, and that are used for fire and ambulance service, fire investigation and code enforcement, and/or are necessary for the continuation of fire and ambulance service, fire investigation and code enforcement within the former FTFD jurisdiction, unless specifically excluded below.
- (d) **EXCLUDED ASSETS.** The following real and personal property assets currently owned by the Township shall be excluded from the transfer provided herein:
- (1) Station 51 (now closed), located at 8845 Southeastern Avenue;
 - (2) Station 53, located at 6231 South Arlington Avenue;
 - (3) Real Property located at 4531 Independence Square;
 - (4) Real Property located adjacent to Station 51 on McGaughey Road;
 - (5) One (1) 2007 Dodge Charger ID #2B3KA43G07H878296;
 - (6) One (1) 2001 Ford F250 (4WD) ID 1FTN21L51EA96768;
 - (7) One (1) Trailer (to be determined among trailers marked with * above); and
 - (8) One (1) Snow Plow and related hardware.
- (e) **FIRST RIGHT OF REFUSAL.** If at any time prior to December 31, 2012 the City determines that any of the personal property transferred by this ordinance is not wanted or shall otherwise be disposed of by the City, the City shall first offer the Township the opportunity to reacquire such property without charge therefore.
- (f) **RIGHT OF REVERSION.** If at any time prior to December 31, 2012, the City no longer utilizes the real property transferred pursuant to Subsection (a) above for fire and emergency response or other public safety services, such property shall revert to the ownership of the Township. The deeds transferring such property shall provide for such right of reversion with an automatic expiration date of December 31, 2012.
- (g) **INTERIM DUTIES.** The Township shall retain ownership of, and maintain in good repair (in its current condition), all property that will be transferred to the City as provided in this SECTION, continuously from the date this ordinance is adopted until the property is transferred. From the date this ordinance is adopted until the Effective Date, the Township shall consult with and obtain the written approval of the IFD Chief regarding any acquisition, disposal of or major capital repairs to FTFD property provided such acquisition, disposal or major capital repair is outside the ordinary course of business of the FTFD.

SECTION 4. After the Effective Date, and through at least December 31, 2012, the City shall continue to maintain, staff and keep in active operation fire stations 52, 54 and 55, and shall maintain, staff and operate Station 53 as provided herein. The Township shall enter into a long term lease with the City, granting the City the right to utilize designated portions of Station 53 without the payment of additional consideration to the Township. Maintenance, utilities, renovations and other necessary costs and expenses related to the operation of Station 53 shall be apportioned equitably between the parties during the term of the lease of Station 53. The City shall have the right of first refusal in the event of the proposed sale of Station 53 by the Township.

SECTION 5. On and after the Effective Date, and through at least December 31, 2012, the City projects to maintain a regularly assigned and bid firefighter staff of seventy-eight (78) firefighters within the Township (21 firefighters per shift), subject to the occurrence of vacation days, sick days, personal days and the needs of the consolidated department. On and after the Effective Date and through at least December 31, 2012, the City shall maintain at least the following apparatus at the stations located in the Township: one (1) ladder apparatus; four (4) engines; and two (2) ALS Transport Units. Until the Township is adequately hydrated in accordance with applicable fire standards, the City shall additionally maintain one (1) fully staffed tanker apparatus and one (1) co-staffed reserve tanker apparatus in the Township. Preference for the above vehicle assignments will be given to apparatus originally purchased by the Township. On and after the Effective Date, other apparatus previously owned by the Township may be moved to locations determined by the City.

SECTION 6. On the Effective Date, the Township Board shall cease to have any authority over FTFD, including its budget, except as set forth in this ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council.

SECTION 7. On the Effective Date, the employees of the FTFD shall cease to be employed by Franklin Township and shall become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the Effective Date and that apply to the employees of the FTFD who become employees of IFD. From the date this ordinance is adopted until the Effective Date, the Township shall consult with the IFD Chief prior to any termination, layoff, or other reduction in force of FTFD employees, the employment of any additional FTFD personnel, or the promotion of any FTFD personnel.

SECTION 8. On the Effective Date, the duties of the FTFD Merit Commission shall be transferred to and assumed by the City's civilian fire merit board.

SECTION 9. Upon consolidation, any indebtedness related to fire protection services incurred by the Township prior to the Effective Date, or any such debt incurred by any entity on behalf of the Township, shall remain the debt of the Township and does not become a debt of, and shall not be assumed by, the City. Such indebtedness shall include, but not be limited to, all personnel costs, utility expenses, legal claims and other expenses of providing fire protection service incurred through the day immediately preceding the Effective Date. Any indebtedness related to fire protection services incurred by the City prior to the Effective Date shall remain the debt of the City, and property taxes levied to pay such debt may be levied only by the City's fire special service district or the consolidated fire district as it existed before the Effective Date.

SECTION 10. Upon consolidation, the Township shall retain all cash assets and investments, and the right to receive all tax levies, assessments and other tax distributions due and payable prior to January 1, 2011, whether or not such sums are paid to the Township prior to that date, except as otherwise provided herein. The Township shall use any such cash assets, investments, tax levies, assessments and other tax distributions designated for firefighting purposes, including, but not limited to, firefighting funds and fire cumulative funds, to satisfy any indebtedness described in SECTION 9 of the ordinance, to make payments to the City as provided in SECTION 11 below. The Township may then use any remaining cash assets, investments, tax levies, assessments and revenues designated for the fire cumulative and fire equipment and building debt funds for the payment of required PERF obligations, firefighter sick time buy back, firefighter physicals, the costs of merger (such as SCBA uniformity, graphics changes to vehicles and stations, uniforms, Station 53 renovations and personal protection equipment upgrades), and to pay all normal and customary claims and expenses incurred or encumbered prior to the Effective Date, and for the payment of claims incurred after the Effective Date and related to the consolidation or transition efforts provided for in this Agreement, or as otherwise permitted by law. Within thirty (30) days of the receipt by the Township of the final tax distributions for fiscal year 2010 from the Marion County Treasurer, the parties shall meet to reconcile accounts and agree on a final distribution from the Township to the City, which distribution shall be made by the Township, subject to its agreement with the City, within sixty (60) days of the receipt of such funds from the Treasurer. The reconciliation shall include a reasonable reserve for the Township to cover anticipated outstanding claims and costs (if any) for periods prior to the Effective Date. At that time, the Township shall transfer to the City and remaining cash assets, investments, tax levies, assessments and revenues designated solely for the Township's fire fighting fund (Fund 1111), fire pension fund (Fund 0341), fire cumulative capital fund (Fund 1190) and fire debt fund (if any) (Fund 0181) designated for all periods prior to January 1, 2011.

SECTION 11. Commencing on July 1, 2010, and on the first day of each month thereafter to and including December 1, 2010, the Township shall transfer to the City one-twelfth (1/12) of the Township's 2010 budgeted appropriation for fire operations (as contained in Fire Fund 1111) to reimburse the City

for its undertakings under this Agreement. In addition, the Township may pay from such fund all normal and customary expenses incurred by the Township prior to the Effective Date, or subsequent thereto and related to the consolidation or transition efforts provided for in this Agreement.

SECTION 12. On the Effective Date, a FTFD firefighter who was a member of either the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund prior to the Effective Date, remains a member of his or her respective fund, and shall receive credit for any service as a member of such fund prior to the Effective Date, as provided in Indiana Code § 36-3-1-6.1, subsections (h)(2) and (h)(3). As of the Effective Date, the City shall be responsible for such employees, including retired employees, on the same basis as the Township, and the City shall indemnify the Township from all claims related thereto.

SECTION 13. On the Effective Date, the Township's local board for the 1977 police officers' and firefighters' pension and disability fund is dissolved and its services are terminated, as provided in Indiana Code § 36-3-1-6.1, subsection (h)(6). The duties performed by such local board under Indiana Code Chapter 36-8-8, are assumed by the City's local board, and the City shall indemnify the Township from all claims related thereto.

SECTION 14. Upon consolidation, property taxes to fund the pension obligations under Indiana Code Chapter 36-8-7 for members of the 1937 Firefighters' fund and to fund the obligations under Indiana Code Chapter 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of IFD on December 31, 2009 may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 Firefighters' fund and the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on December 31, 2009 may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy within the fire special service district and the townships whose departments have been consolidated into the fire department of the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(7).

SECTION 15. On the Effective Date, the maximum permissible ad valorem property tax levy for fire protection and related services for the Township under Indiana Code Chapter 6-1.1-18.5 for property taxes first due and payable in 2011, is reduced for the Township by the amount equal to the maximum permissible ad valorem property tax levy in 2010 for fire protection and related services for the Township, and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(4)(B).

SECTION 16. On the Effective Date, the ad valorem property tax levy for the Township's fire cumulative building and equipment fund for property taxes first due and payable in 2011, is reduced for the Township by the amount equal to the property tax levy in 2010 for the Township's fire cumulative building and equipment fund and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(5).

SECTION 17. The Township currently uses a portion of its certified monthly distribution of the county option income tax (hereinafter referred to as "COIT") to pay the costs of operating FTFD. The parties further acknowledge that the City intends to file an extension of services levy appeal for taxes paid in 2011 and 2012 with the Department of Local Government Finance for property located within the current FTFD jurisdiction. The Township and the City shall enter into an interlocal agreement or memorandum of understanding (as provided for in SECTION 20 below) regarding the transfer of a portion of the Township's COIT to the City and the repayment of the extension of services levy appeal to defer the cost of operating IFD in the Township.

SECTION 18. On the Effective Date and thereafter, the City shall be responsible to establish, operate, and maintain fire based emergency ambulance services in the Township as provided in Indiana Code Section 36-3-1-6.2; however, this does not prohibit the City from providing emergency ambulance services under an inter-local agreement pursuant to IC 36-1-7. At all times after the Effective Date and through at least December 31, 2012, the City shall maintain no less than two (2) fully staffed ALS Transport Units within the Township.

SECTION 19. Upon consolidation of the departments, all FTFD firefighters shall retain their tested merit rank in effect on the Effective Date, and subject to IFD Seniority Rules and Regulations, Township firefighters shall generally retain their current assignments. The Township acknowledges that a designated number of former Township firefighters will enter the IFD substitute pool until adequate seniority is attained for permanent assignments pursuant to IFD Rules and Regulations.

SECTION 20. Prior to the Effective Date, the City and the Township shall negotiate and enter into a memorandum of understanding or interlocal cooperation agreement to effect the consolidation and the

agreements contained herein. Such agreement or memorandum shall contain the additional agreements and items contained in the "Terms of Merger" (attached hereto and incorporated herein by reference as "Exhibit A").

SECTION 2. Section 111-3 of the "Revised Code of the Consolidated City and County" regarding the territory of the fire special service district, as the same was previously amended by G. O. No. 106, 2009, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 111-3. Fire special service district.

The fire special service district shall include and be composed of the territory within the geographic boundaries described as follows.

(a) *Pike Township*: Part of Pike Township, Marion County, Indiana, described by the following 61 courses: Beginning at the intersection of the south line of the southeast quarter of section 14, township 16 north, range 2 east, second principal meridian with the southerly extension of the westerly right-of-way line of Interstate Highway 465:

- (1) Thence northerly along said southerly extension of the west right-of-way line and along said west right-of-way line to the north right-of-way line of west 46th Street;
- (2) Thence east along the north right-of-way line of west 46th Street to the east right-of-way line of High School Road;
- (3) Thence south along the east right-of-way line of High School Road to a point 735 feet south of the north line of the northwest quarter of section 13, township 16 north, range 2 east;
- (4) Thence east, parallel with the north line of the northwest quarter of section 13 to a point 467.5 feet east of the west line of the northwest quarter of section 13;
- (5) Thence north parallel with the west line of the northwest quarter of section 13 a distance of 400 feet;
- (6) Thence east parallel with the north line of the northwest quarter of section 13 a distance of 863.86 feet to the west line of the east half of the northwest quarter of section 13;
- (7) Thence north along the west line of the east half of the northwest quarter of section 13 a distance of 50 feet to a point 285 feet south of the northwest corner of said half-quarter section;
- (8) Thence east parallel with the north line of the east half of the northwest quarter of section 13 a distance of 120 feet;
- (9) Thence north parallel with the west line of the east half of the northwest quarter of section 13 a distance of 300 feet, more or less, to the north right-of-way line of west 46th Street;
- (10) Thence east along the north right-of-way line of west 46th Street a distance of 599 feet to a point 610.5 feet west of the east line of the northwest quarter of section 13;
- (11) Thence south parallel with and 610.5 feet west of the east line of the northwest quarter of section 13, a distance of 2431.02 feet to a point 241 feet north of the south line of said northwest quarter;
- (12) Thence west parallel with the south line of the northwest quarter of section 13 a distance or 1822.70 feet to a point 221.49 feet east of the west line of said northwest quarter;
- (13) Thence north parallel with the west line of the northwest quarter of section 13 a distance of 131 feet;
- (14) Thence west parallel with the south line of section 13 a distance of 171.49 feet to a point on the east right-of-way line of High School Road;
- (15) Thence south along the east right-of-way line of High School Road a distance of 372 feet to a point on the south line of the northwest quarter of section 13;

- (16) Thence east along the south line of the northwest quarter and along the south line of the northeast quarter of section 13 to a point 879.8 feet east of the west line of the southeast quarter of section 13;
- (17) Thence south parallel with the west line of the southeast quarter of section 13 to a point 661.03 feet north of the south line of the southeast quarter of section 13;
- (18) Thence east parallel with the south line of the southeast quarter of section 13 to the west line of the east half of said southeast quarter;
- (19) Thence bearing north 00 degrees 04 minutes 16 seconds east along the west line of the east half of the southeast quarter of section 13 a distance of 223.97 feet;
- (20) Thence north 89 degrees 43 minutes 42 seconds east a distance of 400 feet;
- (21) Thence north 00 degrees 04 minutes 16 seconds east a distance of 415 feet;
- (22) Thence south 89 degrees 43 minutes 42 seconds west a distance of 400 feet to the west line of the east half of the southeast quarter of section 13;
- (23) Thence north 00 degrees 04 minutes 16 seconds east along the west line of the east half of the southeast quarter of section 13 a distance of 1368.75 feet to the northwest corner of the east half of the southeast quarter of section 13;
- (24) Thence north 00 degrees 00 minutes 00 seconds east along the west line of the east half of the northeast quarter of section 13 a distance of 2421.28 feet;
- (25) Thence north 89 degrees 41 minutes 51 seconds east parallel with the north line of the northeast quarter of section 13 a distance of 354.75 feet;
- (26) Thence north 00 degrees 00 minutes 00 seconds east a distance of 47.5 feet;
- (27) Thence north 89 degrees 41 minutes 51 seconds east a distance of 100 feet;
- (28) Thence south 00 degrees 00 minutes 00 seconds east a distance of 100 feet;
- (29) Thence north 89 degrees 41 minutes 51 seconds east a distance of 272.57 feet;
- (30) Thence south 00 degrees 27 minutes 50 seconds west a distance of 58.027 feet;
- (31) Thence north 89 degrees 41 minutes 51 seconds east a distance of 109.4 feet;
- (32) Thence north 00 degrees 00 minutes 00 seconds east a distance of 358 feet to the north line of the northeast quarter of section 13;
- (33) Thence north 89 degrees 41 minutes 51 seconds east along the north line of the northeast quarter of section 13 a distance of 486.48 feet to the northeast corner of section 13;
- (34) Thence south 00 degrees 03 minutes 00 seconds east along the east line of section 13 a distance of 768.367 feet;
- (35) Thence north 89 degrees 35 minutes 34 seconds east a distance of 233 feet;
- (36) Thence north 00 degrees 03 minutes 00 seconds west a distance of 70.9 feet;
- (37) Thence north 89 degrees 35 minutes 34 seconds east a distance of 543.5 feet;
- (38) Thence north 82 degrees 28 minutes 10 seconds east a distance of 101.21 feet;
- (39) Thence north 54 degrees 25 minutes 09 seconds east a distance of 251.78 feet to the southwesterly right-of-way line of Lafayette Road (US 52);
- (40) Thence south 35 degrees 34 minutes 51 seconds east along the southwesterly right-of-way line of Lafayette Road a distance of 195 feet;
- (41) Thence south 54 degrees 25 minutes 09 seconds west a distance of 251.78 feet;

February 22, 2010

- (42) Thence south 35 degrees 34 minutes 51 seconds east a distance of 33.96 feet;
- (43) Thence south 00 degrees 03 minutes 00 seconds east a distance of 170 feet;
- (44) Thence north 89 degrees 35 minutes 34 seconds east a distance of 284.25 feet;
- (45) Thence south 00 degrees 03 minutes 00 seconds east a distance of 1630.6 feet to the north line of the southwest quarter of section 18, township 16 north, range 3 east;
- (46) Thence north 89 degrees 35 minutes 34 seconds east along the north line of the southwest quarter of section 18 a distance of 580.748 feet to a northeast corner of said southwest quarter;
- (47) Thence south 89 degrees 32 minutes 04 seconds east along the north line of the southeast quarter of section 18 a distance of 432.5 feet;
- (48) Thence north 00 degrees 03 minutes 00 seconds west a distance of 376.99 feet to the southwesterly right-of-way line of Lafayette Road;
- (49) Thence south 34 degrees 59 minutes 48 seconds east along the southwesterly right-of-way line of Lafayette Road a distance of 462.83 feet to the north line of the southeast quarter of section 18;
- (50) Thence east along the north line of the southeast quarter of section 18 to a point on the old center line of Lafayette Road;
- (51) Thence north 23 degrees 59 minutes west (basis of bearings is north line of west half of the southeast quarter of section 18 = north 90 degrees 00 minutes east) along the old center line of Lafayette Road a distance of 143 feet, more or less, to a point on the northeasterly right-of-way line of the present Lafayette Road;
- (52) Thence continuing north 23 degrees 59 minutes west along the old center line of Lafayette Road a distance of 397.15 feet;
- (53) Thence north 88 degrees 17 minutes east along an old fence line 763.05 feet to the east line of the west half of the northeast quarter of section 18;
- (54) Thence south 00 degrees 27 minutes west along the east line of the west half of the northeast quarter of section 18 a distance of 516.52 feet to the southeast corner of said half-quarter section;
- (55) Thence east along the north line of the southeast quarter of section 18, a distance of 1320 feet, more or less, to the northwest corner of the southwest quarter of section 17, township 16 north, range 3 east;
- (56) Thence east on the north line of the southwest quarter of section 17 a distance of 2500 feet, more or less, to a point on the west right-of-way line of the former Cleveland, Cincinnati, Chicago and St. Louis Railroad;
- (57) Thence south along the west right-of-way line of the Cleveland, Cincinnati, Chicago and St. Louis Railroad to a point on the north right-of-way line of west 38th Street;
- (58) Thence east along the north right-of-way line of west 38th Street to the east line of the southeast quarter of section 17;
- (59) Thence south along the east line of the southeast quarter of section 17 to the southeast corner of said southeast quarter;
- (60) Thence west along the south line of sections 17 and 18, township 16 north, range 3 east to the southwest corner of the southwest quarter of said section 18 (said corner also being the southeast corner of the southeast quarter of section 13, township 16 north, range 2 east);
- (61) Thence west along the south line of sections 13 and 14, township 16 north, range 2 east, to the point of beginning.

Also, the following 8 parcels (numbered 1 through 8):

- (1) Part of the east half of the northwest quarter, section 29, township 17 north, range 3 east, described as follows: Beginning at the northwest corner of said half- quarter section, thence east along the north line thereof a distance of 465.3 feet to the center line of Michigan Road (also known as US Highway 421); thence deflecting right 70 degrees 41 minutes 30 seconds along the center line of said road a distance of 1060 feet to the point of beginning, thence continuing southeasterly along said center line a distance of 137.85 feet; thence deflecting 00 degrees 09 minutes 20 seconds and continuing southeasterly along said center line a distance of 764.9 feet to the north line of Augusta, Marion County, Indiana; thence deflecting right 90 degrees along the north line of lots 55, 50 and 49 of Augusta a distance of 467.2 feet; thence deflecting right 19 degrees 13 minutes 15 seconds a distance of 94.26 feet; thence deflecting right 70 degrees 56 minutes 30 seconds parallel with the center line of the abandoned Traction right-of-way a distance of 168.53 feet; thence deflecting left 83 degrees 40 minutes a distance of 30.18 feet to the east line of the abandoned Traction right-of-way; thence deflecting right 83 degrees 40 minutes along said east line a distance of 701.27 feet; thence deflecting right 89 degrees 59 minutes 30 seconds a distance of 584.03 feet to the point of beginning; containing 12 acres, more or less, subject to all legal highways or rights-of-way.
- (2) Part of the southeast quarter of section 29, township 17 north, range 3 east, in Marion County described as follows: Beginning at a point in the center line of Michigan Road as now located and established, said point being north 19 degrees 59 minutes west a distance of 2040 feet measured along the center of said road from its intersection with the south line of said quarter section; thence north 19 degrees 59 minutes west a distance of 103.29 feet; thence north 84 degrees 31 minutes east a distance of 279 feet, thence south 5 degrees 29 minutes east a distance of 100 feet; thence south 84 degrees 31 minutes west a distance of 254.09 feet to the point of beginning, containing 0.58 acre, more or less.
- (3) Part of the west half of the southeast quarter of section 29, township 17 north, range 3 east, in Marion County, Indiana, described as follows: Commencing at the southwest corner of lot 82, in the Town of Augusta; thence southeasterly along the east line of Michigan Road a distance of 100 feet to the point of beginning; thence continuing southeasterly along said east line a distance of 99.2 feet; thence deflecting left 75 degrees 30 minutes a distance of 324.3 feet, more or less, to the east line of Parallel Street extended in said Town of Augusta; thence deflecting left 104 degrees 30 minutes along said east line a distance of 122.1 feet; thence deflecting left 80 degrees 04 minutes a distance of 318.9 feet, more or less, to the point of beginning; containing 0.77 acre, more or less.
- (4) Lots 77, 78, 81 and 82 in the Town of Augusta, an addition to the City of Indianapolis, in Marion County, Indiana, as per plat thereof recorded in plat book H, pages 73 and 74, in the office of recorder of Marion County.
- (5) Part of the southeast quarter and a part of the southwest quarter of section 29, township 17 north, range 3 east, of the second principal meridian, in Marion County, described as follows: Commencing at the intersection of the south line of said half section with the center line of US Highway 421; thence northwesterly along said center line a distance of 1741.68 feet to the point of beginning; continuing thence along said center line a distance of 300 feet; thence deflecting to the left 90 degrees 00 minutes a distance of 493.02 feet; thence deflecting to the right 20 degrees 30 minutes a distance of 101.2 feet to a point on the east line of the Indianapolis and Northwestern Traction Company's abandoned right-of-way; thence deflecting to the left 110 degrees 28 minutes along said east line a distance of 336.66 feet; thence deflecting to the left 90 degrees 20 minutes a distance of 588.03 feet to the point of beginning; containing in all 4.096 acres, more or less; all in the County of Marion and State of Indiana.
- (6) A part of the southeast quarter of section 29, township 17 north, range 3 east, Marion County, Indiana, described as follows: Commencing at the southwest corner of said quarter section; thence east along the south line thereof a distance of 1071.4 feet to a point in the center line of US Highway 421; thence in a northwesterly direction along the center line of said US Highway 421 a distance of 540.04 feet to the point of beginning; thence south 73 degrees 39 minutes 17 seconds west a distance of 175 feet; thence south 20 degrees 00 minutes 00 seconds east a distance of 150 feet; thence south 73 degrees 39 minutes 17 seconds west a distance of 277.37 feet (deed distance); thence north 13 degrees 49 minutes 45 seconds west a distance of 250.44 feet; thence north 72 degrees 24 minutes 40 seconds east a distance of 197.67 feet; thence south 20 degrees 13 minutes 51 seconds east a deed distance of 27.34 feet; thence north 67 degrees 50 minutes 00 seconds east a distance of 224.03 feet to a point in the center line of US Highway 421; thence south 20 degrees 00 minutes 00 seconds east a distance

of 100.06 feet to the point of beginning; containing 1.845 acres, more or less; subject, however, to any and all legal highways and rights-of-way.

- (7) Part of the southeast quarter of section 6, township 16 north, range 3 east, Marion County, State of Indiana, described as follows: Commencing at the southeast corner of said quarter section; running thence south 90 degrees 00 minutes 00 seconds west along the south line of said quarter section a distance of 1402.12 feet; thence north 03 degrees 26 minutes 30 seconds east parallel with the center line of the new Coffman Road Expressway a distance of 45.08 feet to a point on the north right-of-way line of 56th Street; said point also being the point of beginning; thence north 03 degrees 02 minutes 56 seconds east a distance of 256.34 feet; thence south 88 degrees 10 minutes 34 seconds east a distance of 150 feet to a point on the westerly right-of-way line of the New Coffman Road Expressway, said point being on a curve concave west having a radius of 3769.72 feet; thence south around said right-of-way curve a distance of 106.44 feet to the point of tangency of said curve; said arc being subtended by a chord having a bearing of south 02 degrees 37 minutes 58 seconds west and a length of 106.484 feet; thence south 03 degrees 26 minutes 30 seconds west along the aforementioned right-of-way and tangent to the last described curve a distance of 87.44 feet; thence south 26 degrees 20 minutes 30 seconds west along said right-of-way a distance of 64.272 feet to a point on the north right-of-way line of 56th Street; thence south 90 degrees 00 minutes 00 seconds west along said 56th Street right-of-way a distance of 124.969 feet to the point of beginning; containing in all 0.86 acre, more or less.
- (8) Part of the east half of the northwest quarter of section 12, township 16 north, range 2 east, Marion County, Indiana, described as follows: Beginning at the intersection of the south right-of-way line of 56th Street and the northeasterly right-of-way line of Lafayette Road, as now located and established in Marion County, Indiana; thence east along the south right-of-way line of said 56th Street a distance of 248.45 feet; thence deflecting 90 degrees 00 minutes to the right a distance of 128 feet; thence deflecting 53 degrees 49 minutes to the right a distance of 124.96 feet to a point on the northeasterly right-of-way line of said Lafayette Road; thence in a northwesterly direction along the northeasterly right-of-way line of said Lafayette Road a distance of 250 feet to the point of beginning.

Excepting from the entire above description, however, the following 5 parcels (numbered 1 through 5):

- (1) A part of the northeast quarter of section 13, township 16 north, range 2 east, second principal meridian, described as follows: Commencing at the southwest corner of the northwest quarter of said section 13; thence north along the west line of said northwest quarter a distance of 422 feet; thence east parallel with the south line of said northwest quarter a distance of 50 feet to a point on the east right-of-way line of High School Road, said point being the point of beginning; thence east parallel with the south line of said northwest quarter a distance of 150 feet; thence north parallel with the west line of said northwest quarter a distance of 60 feet; thence west parallel with the south line of said northwest quarter a distance of 150 feet to a point on the east right-of-way line of High School Road; thence south along said east right-of-way line, a distance of 60 feet to the point of beginning.
- (2) A part of the southeast quarter of section 13, township 16 north, range 2 east, second principal meridian described as follows: Beginning at the southwest corner of the east half of the southeast quarter of said section 13; thence north 00 degrees 04 minutes 16 seconds east along the west line of the said half-quarter section a distance of 313 feet; thence north 89 degrees 43 minutes 42 seconds east parallel with the south line of the southeast quarter of said section 13 a distance of 247.69 feet; thence south 00 degrees 04 minutes 16 seconds west parallel with the west line of said half-quarter section a distance of 313 feet to a point on the south line of said half-quarter section; thence south 89 degrees 43 minutes 42 seconds west along said south line a distance of 247.69 feet to the point of beginning; excepting therefrom the right-of-way of west 38th Street.
- (3) A part of the southwest quarter of section 18, township 16 north, range 3 east, second principal meridian described as follows: Commencing at the southwest corner of the southwest quarter of said section 18; thence south 89 degrees 59 minutes 48 seconds east along the south line of said southwest quarter a distance of 795.461 feet to the point of beginning; thence north 00 degrees 00 minutes 12 seconds west a distance of 949.6 feet; thence south 89 degrees 59 minutes 48 seconds east parallel with the south line of said southwest quarter a distance of 645 feet; thence south 00 degrees 00 minutes 12 seconds west a distance of 949.6 feet to a point on the south line of said quarter section; thence north 89 degrees 59 minutes 48 seconds west along said south line a distance of 645 feet to the point of beginning; excepting therefrom the right-of-way of west 38th Street.

- (4) A part of the southeast quarter of section 18, township 16 north, range 3 east, second principal meridian described as follows: Commencing at the southeast corner of the west half of the southeast quarter of said section 18; thence south 89 degrees 59 minutes 42 seconds west along the south line of said half-quarter section a distance of 142 feet to the point of beginning; thence north 00 degrees 00 minutes 18 seconds west a distance of 65 feet; thence north 45 degrees 00 minutes 18 seconds west a distance of 155.57 feet; thence south 89 degrees 59 minutes 42 seconds west a distance of 90 feet; thence south 00 degrees 00 minutes 18 seconds east a distance of 175 feet to the south line of the west half of the southeast quarter of said section 18; thence north 89 degrees 59 minutes 42 seconds east along said south line to the point of beginning; excepting therefrom, the right-of-way of west 38th Street.
 - (5) A part of the southeast quarter of section 18, township 16 north, range 3 east, second principal meridian, described as follows: Beginning at the southeast corner of the west half of said southeast quarter; thence north 00 degrees 23 minutes 42 seconds east (basis of bearing is south line of west half of said southeast quarter = south 89 degrees 59 minutes 42 seconds west) a distance of 150 feet; thence south 89 degrees 59 minutes 42 seconds west a distance of 131.55 feet; thence north 46 degrees 34 minutes 42 seconds west a distance of 213.55 feet to the point of curvature of a curve concave northeasterly, said curve having a radius of 81.355 feet, an interior angle of 40 degrees 29 minutes 00 seconds, a degree of curvature of 70.427 degrees, and a tangent length of 30 feet; thence northwesterly around said curve an arc distance of 57.483 feet to the point of tangency; thence north 6 degrees 05 minutes 42 seconds west a distance of 275.95 feet to the point of curvature of a curve concave southwesterly, said curve having a radius of 205.523 feet, an interior angle of 83 degrees 59 minutes 01 second, a degree of curvature of 27.878 degrees and a tangent length of 185 feet; thence northwesterly around said curve an arc distance of 301.253 feet to the point of tangency; thence south 89 degrees 55 minutes 17 seconds west a distance of 116.87 feet to a point on the east line of the west half of the west half of the southeast quarter of said section 18; thence north 00 degrees 25 minutes 12 seconds east along said half-half-quarter line a distance of 1849.907 feet; thence south 89 degrees 32 minutes 04 seconds east a distance of 45.5 feet to a point on the southwesterly right-of-way line of Lafayette Road; thence southeasterly along said right-of-way line to a point 449.07 feet measured northwesterly along said right-of-way line from the north right-of-way line of west 38th Street as described in Marion County condemnation cause no. C61-880; thence south 52 degrees 20 minutes 05 seconds west (basis of bearing is south line of southeast quarter of section 18 = north 89 degrees 56 minutes 29 seconds west) a distance of 299.983 feet; thence south 00 degrees 51 minutes 01 second west a distance of 185.61 feet, to a point on the aforesaid north right-of-way line of west 38th Street; thence south 89 degrees 08 minutes 59 seconds east along said right-of-way line a distance of 100 feet; thence north 89 degrees 53 minutes 43 seconds east along said right-of-way a distance of 200 feet; thence south 00 degrees 06 minutes 17 seconds east a distance of 69.83 feet to a point in the south line of said southeast quarter; thence north 89 degrees 56 minutes 29 seconds west along said south line to the point of beginning; excepting therefrom, the right-of-way of west 38th Street.
- (b) *Washington Township:* All of Washington Township, Marion County, Indiana.
- (c) *Lawrence Township:* Part of Lawrence Township, Marion County, Indiana, described by the following 69 courses: Beginning at the southwest corner of the southwest quarter of section 15, township 16 north, range 4 east, second principal meridian, said corner also being the southwest corner of Lawrence Township:
- (1) Thence north along the west line of the southwest corner and along the west line of the northwest quarter of section 15 to the north right-of-way line of 42nd Street;
 - (2) Thence east along the north right-of-way line of 42nd Street to a point distant 660 feet west from the east line of the southwest quarter of the northeast quarter of section 15, township 16 north, range 4 east;
 - (3) Thence north parallel with the east line of the southwest quarter of the northeast quarter of section 15 to a point distant 1293.67 feet south from the south right-of-way line of 46th Street;
 - (4) Thence west a distance of 583.4 feet to a point distant 1338.33 feet south from the north line of the northeast quarter of section 15;
 - (5) Thence south to the south right-of-way line of 44th Street;

- (6) Thence west to a point on the west line of the northeast quarter of section 15;
- (7) Thence north along the west line of the northeast quarter of section 15 to a point distant 785 feet south from the northwest corner of said northeast quarter;
- (8) Thence east parallel with the north line of the northeast quarter of section 15 a distance of 330 feet;
- (9) Thence north to a point on the south right-of-way line of 46th Street, said point being distant 996.88 feet west from the west line of the east half of the northeast quarter of section 15, as measured along said south right-of-way line;
- (10) Thence east along the south right-of-way line of 46th Street to a point 990 feet west of the west line of the east half of the northeast quarter of section 15;
- (11) Thence north to the north right-of-way line of 46th Street;
- (12) Thence east along the north right-of-way line of 46th Street to the west right-of-way line of Arlington Avenue;
- (13) Thence north along the west right-of-way line of Arlington Avenue to a point distant 874.8 feet south from the north line of the southeast quarter of section 10, township 16 north, range 4 east;
- (14) Thence west to a point on the west line of the southeast quarter, said point being distant 869 feet south as measured along said west line from the northwest corner of the southeast quarter of section 10;
- (15) Thence north along the west line of the southeast quarter of section 10 a distance of 869 feet to the northwest corner of the southeast quarter of section 10;
- (16) Thence west along the south line of the northwest quarter of section 10 to the southwest corner of said northwest quarter, said corner being on the west line of Lawrence Township;
- (17) Thence north along the west line of the northwest quarter of section 10 and along the west line of Lawrence Township to the north right-of-way line of 56th Street;
- (18) Thence east along the north right-of-way line of 56th Street to a point on the northerly extension of the east line of lots 38 through 40 in Brendon Park, third section (instrument no. 64-16946, office of the Marion County recorder);
- (19) Thence south along the northerly extension of the east line of lots 38 through 40 and along the east line of lots 38 through 40 to the southeast corner of said lot 40;
- (20) Thence east along the north line of lots 174 and 175 in Brendon Park, sixth section (instrument no. 66-58153, office of the Marion County recorder) to the northeast corner of lot 175;
- (21) Thence south along the east line of Brendon Park, sixth section a distance of 2229.85 feet to the southeast corner of said Brendon Park, sixth section;
- (22) Thence west along the south line of Brendon Park, sixth, fifth, and third sections to the southwest corner of lot 71 in Brendon Park, third section, said corner also being the northwest corner of the southeast quarter of section 11, township 16 north, range 4 east;
- (23) Thence south along the west line of the southeast quarter of section 11 to the north right-of-way line of 46th Street;
- (24) Thence east along the north right-of-way line of 46th Street to the west right-of-way line of Shadeland Avenue (State Road 100);
- (25) Thence south along the west right-of-way line of Shadeland Avenue to the south right-of-way line of 46th Street;
- (26) Thence east along the south right-of-way line of 46th Street to the center line of Shadeland Avenue;

- (27) Thence south along the center line of Shadeland Avenue to the northwest right-of-way line of Pendleton Pike (State Highway 67);
- (28) Thence northeasterly along the northerly right-of-way line of Pendleton Pike to the southerly boundary of the town of Lawrence;
- (29) Thence southeasterly along the boundary of the town of Lawrence to the southeasterly right-of-way line of Pendleton Pike;
- (30) Thence southwesterly along the southerly right-of-way line of Pendleton Pike to the north right-of-way line of 42nd Street;
- (31) Thence east along the north right-of-way line of 42nd Street to the west line of the east half of the northwest quarter of section 18, township 16 north, range 5 east;
- (32) Thence north along the west line of the east half of the northwest quarter of section 18 to an angle point in the south corporation line of the city of Lawrence;
- (33) Thence northeasterly parallel with Pendleton Pike along the southerly corporation line of the city of Lawrence to the west line of the northeast quarter of section 18;
- (34) Thence east along the southerly corporation line of the city of Lawrence a distance of 968.22 feet;
- (35) Thence south parallel with the west line of the northeast quarter of section 18 to a point on the north right-of-way line of 42nd Street;
- (36) Thence east along the north right-of-way line of 42nd Street to the east right-of-way line of Post Road;
- (37) Thence north along the east right-of-way line of Post Road a distance of 880 feet;
- (38) Thence east parallel with the south line of the northwest quarter of section 17, township 16 north, range 5 east to a point, said point being located 1140 feet west from the east line of said northwest quarter;
- (39) Thence north parallel with the east line of the northwest quarter of section 17 to the southeast corner of lot 299 in Glick's east 42nd Street addition, section 4;
- (40) Thence north 73 degrees 53 minutes 26 seconds west along the south line of lot 299 in Glick's east 42nd Street addition, section 4 a distance of 156.35 feet to the southwest corner thereof;
- (41) Thence north 50 degrees 25 minutes 55 seconds west along a portion of the southerly line of lot 299 in Glick's east 42nd Street addition, section 4 a distance of 7.82 feet;
- (42) Thence north 00 degrees 21 minutes 32 seconds west along the west line of Glick's east 42nd Street addition, section 4 a distance of 420.11 feet;
- (43) Thence north 89 degrees 16 minutes 19 seconds east a distance of 1091.70 feet;
- (44) Thence south 61 degrees 02 minutes 18 seconds east a distance of 177.42 feet;
- (45) Thence north 90 degrees 00 minutes 00 seconds east a distance of 270.00 feet;
- (46) Thence north 53 degrees 17 minutes 04 seconds east a distance of 482.38 feet;
- (47) Thence north 90 degrees 00 minutes 00 seconds east a distance of 734.60 feet to the west line of the east half of the northeast quarter of section 17;
- (48) Thence south 00 degrees 16 minutes 24 seconds east along the west line of the east half of the northeast quarter of section 17 to a point distant 990 feet south from the northwest corner of said half-quarter section;
- (49) Thence east parallel with the north line of the northeast quarter of section 17 to the west line of the east half of the east half of the northeast quarter of section 17;

- (50) Thence south along the west line of the east half of the east half of the northeast quarter of section 17 to a point, said point being located from the southeast corner of the northeast quarter of section 17 as follows: north 00 degrees 23 minutes 35 seconds west a distance of 1182.66 feet; thence south 89 degrees 07 minutes 39 seconds west a distance of 661.85 feet (basis of bearings is east line northeast quarter section 17 = north 00 degrees 23 minutes 35 seconds west);
- (51) Thence north 89 degrees 07 minutes 39 seconds east a distance of 661.85 feet to the east line of the northeast quarter of section 17;
- (52) Thence east to the east right-of-way line of Mitthoefer Road;
- (53) Thence south along the east right-of-way line of Mitthoefer Road to a point due east of a point on the east line of the northeast quarter of section 17 said point being located 560.00 feet north of the southeast corner of said northeast quarter;
- (54) Thence west to a point on the east line of the northeast quarter of section 17, said point being 560.00 feet north from the southeast corner of said quarter section;
- (55) Thence south 81 degrees 25 minutes 33 seconds west a distance of 374.50 feet;
- (56) Thence south 90 degrees 00 minutes 00 seconds west a distance of 291.84 feet
- (57) Thence south along the west line of the east half of the east half of the northeast quarter of section 17 to the south line of said northeast quarter;
- (58) Thence east along the south line of the northeast quarter of section 17 to the southeast corner thereof;
- (59) Thence east along the south line of the northwest quarter of section 16, township 16 north, range 5 east a distance of 132.00 feet;
- (60) Thence north 00 degrees 24 minutes 07 seconds west parallel with the west line of the northwest quarter of section 16 a distance of 618.48 feet;
- (61) Thence north 67 degrees 40 minutes 54 seconds east a distance of 1294.41 feet to the east line of the west half of the northwest quarter of section 16;
- (62) Thence south along the east half to the southwest quarter of the northwest quarter of section 16 a distance of 1105.00 feet to the southeast corner of the southwest quarter of the northwest quarter of section 16;
- (63) Thence east along the north line of the southwest quarter of section 16 a distance of 660 feet, more or less, to the northeast corner of the west half of the northeast quarter of the southwest quarter of section 16;
- (64) Thence south along the east line of the west half of the northeast quarter of the southwest quarter of section 16 a distance of 1340.2 feet to the southeast corner of said half quarter-quarter section;
- (65) Thence west along the south line of the west half of the northeast quarter of the southwest quarter of section 16 a distance of 660 feet, more or less, to the southwest corner of said half quarter-quarter section;
- (66) Thence south along the west line of the southeast quarter of the southwest quarter of section 16 to the north right-of-way line of 38th Street;
- (67) Thence east along the north right-of-way line of 38th Street to the west right-of-way line of German Church Road;
- (68) Thence south along the west right-of-way line of German Church Road to a point on the south line of the southeast quarter of section 16, said point also being on the south line of Lawrence Township;
- (69) Thence west along the south line of Lawrence Township to the point of beginning.

Also, the following 4 parcels (numbered 1 through 4):

- (1) Part of the west half of the northeast quarter of section 22, township 17 north, range 4 east, Lawrence Township, Marion County, Indiana, described as follows: Commencing at the southwest corner of the northeast quarter of said section; thence north 00 degrees 24 minutes 06 seconds west a distance of 496.44 feet; thence north 89 degrees 35 minutes 54 seconds east a distance of 58 feet to the point of beginning (said point also being 124 feet north of the southwest corner of a 120-foot by 500-foot building); thence north 00 degrees 24 minutes 06 seconds west a distance of 50 feet; thence north 89 degrees 35 minutes 54 seconds east a distance of 60 feet; thence south 00 degrees 24 minutes 06 seconds east a distance of 50 feet; thence south 89 degrees 35 minutes 54 seconds west a distance of 60 feet to the point of beginning; containing 3000 square feet.
- (2) Part of the southwest quarter of section 27, township 17 north, range 4 east, in Marion County, Indiana, described as follows: Commencing at the southwest corner of said southwest quarter; thence south 89 degrees 58 minutes 45 seconds east along the south line of said quarter section and the center line of 71st Street a distance of 430 feet; thence north 00 degrees 00 minutes 00 seconds east parallel with the west line of said quarter section a distance of 331 feet; thence south 89 degrees 58 minutes 45 seconds east parallel with the south line thereof a distance of 385 feet to the point of beginning; thence continuing south 89 degrees 58 minutes 45 seconds east along said south line a distance of 30 feet; thence north 00 degrees 01 minute 15 seconds east a distance of 70 feet; thence north 89 degrees 58 minutes 45 seconds west a distance of 30 feet; thence south 00 degrees 01 minute 15 seconds west a distance of 70 feet to the point of beginning; containing in all 0.048 acre.
- (3) Part of the west half of the northeast quarter of section 22, township 17 north, range 4 east, Lawrence Township, Marion County, Indiana, described as follows: Commencing at the southwest corner of the west half of the northeast quarter of said section; thence north 00 degrees 24 minutes 12 seconds west along the west line of said half-quarter section a distance of 367.4 feet; thence north 89 degrees 35 minutes 48 seconds east a distance of 459.5 feet, to a point, said point also being the southwest corner of a 140-foot by 500-foot building; thence north 00 degrees 24 minutes 12 seconds west along the west line of said 140-foot by 500-foot building, a distance of 220 feet to the point of beginning; thence continuing north 00 degrees 24 minutes 12 seconds west along said west line a distance of 20 feet; thence north 89 degrees 35 minutes 48 seconds east a distance of 70 feet; thence south 00 degrees 24 minutes 12 seconds east a distance of 20 feet; thence south 89 degrees 35 minutes 48 seconds west a distance of 70 feet to the point of beginning; containing 1400 square feet.
- (4) Part of the northwest quarter of section 22, township 17 north, range 4 east, second principal meridian described as follows: Commencing at the southwest corner of said northwest quarter; thence north 89 degrees 03 minutes 10 seconds east a distance of 990.0 feet along the south line of said quarter section; thence north 00 degrees 57 minutes 50 seconds west a distance of 1035.5 feet to the point of beginning, said point being the southwest corner of a brick building; thence continuing north 00 degrees 57 minutes 50 seconds west a distance of 160.33 feet to the northwest corner of said building; thence deflecting 90 degrees right a distance of 120 feet along the north line of said building; thence deflecting 90 degrees left a distance of 26 feet to a corner of said building; thence deflecting 90 degrees right a distance of 33 feet to a northeast corner of said building; thence deflecting 90 degrees right a distance of 26 feet to an inside corner of said building; thence deflecting 90 degrees left a distance of 15.5 feet to the center of a common wall; thence deflecting 90 degrees right along said common wall a distance of 160.33 feet to the southeast corner of said building; thence deflecting 90 degrees right a distance of 168.83 feet to the point of beginning, subject to all legal highways, rights-of-way and easements of record.

Excepting from the entire above description, however, the following 2 parcels (numbered 1 and 2):

- (1) Part of the northwest quarter of section 17, township 16 north, range 5 east second principal meridian, described as follows: Beginning at the southeast corner of said quarter section; thence north along the east line of the said quarter section a distance of 500.84 feet; thence west parallel with the south line of said quarter section a distance of 173.94 feet; thence south parallel with the east line of said quarter section a distance of 500.84 feet to a point on the south line of said quarter section; thence east to the point of beginning; except, however, the right-of-way of 42nd Street.
- (2) Part of the southeast quarter of section 18, township 16 north, range 5 east, second principal meridian, described as follows: Commencing at the southwest corner of said southeast

quarter; thence east along the south line of said quarter section a distance of 516.59 feet to the point of beginning; thence north parallel with the west line of said quarter section a distance of 442.50 feet thence east a distance of 150 feet; thence south to a point on the south line of said quarter section; thence west to the point of beginning; except, however, the right-of-way of 38th Street.

(d) *Warren Township*: All of Warren Township, Marion County, Indiana, except the territory within the corporate boundary of the City of Beech Grove.

(e) *Franklin Township*: ~~Part of the northwest quarter of section 34, township 15 north, range 4 east, of the second principal meridian in Marion County, Indiana, described as follows: Beginning on the south line of said quarter section at a point 861.04 feet east of the southwest corner thereof; thence east along said south line 168.96 feet; thence due north 291 feet; thence due west 168.96 feet; thence due south 291 feet to the place of beginning; containing 1.12 acres, more or less.~~ All of Franklin Township, Marion County, Indiana, except the territory within the corporate boundary of the City of Beech Grove.

(f) *Perry Township*: All of Perry Township, Marion County, Indiana, except the territories within the corporate boundaries of the City of Beech Grove and the City of Southport.

(g) *Decatur Township*: Part of Decatur Township, Marion County, Indiana, described by the following 3 parcels (numbered 1 through 3):

- (1) Part of section 27, township 15 north, range 2 east, second principal meridian described as follows: Beginning at the northeast corner of said section 27; thence south along the east line thereof a distance of 1328.1 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 27; thence west along the south line of said quarter quarter section a distance of 1331.4 feet to the southwest corner thereof; thence south along the east line of the southwest quarter of the northeast quarter of section 27 a distance of 1330.9 feet to the southeast corner of said quarter quarter section; thence west along the south line of the northeast quarter and along the south line of the northwest quarter of said section 27 to the southwest corner of the southeast quarter of the northwest quarter of said section; thence north along the west line of the east half of the northwest quarter to the northwest corner of said half quarter section; thence east along the north line of the northwest quarter and along the north line of the northeast quarter of section 27 to the point of beginning.
- (2) Part of the southwest quarter of section 1, township 14 north, range 3 east, second principal meridian, described as follows: Commencing at the northwest corner of said southwest quarter; thence east along the north line of said southwest quarter a distance of 208.71 feet to the point of beginning; thence south parallel with the west line of said quarter section a distance of 200 feet; thence east parallel with the north line of said quarter section a distance of 100 feet; thence north parallel with the west line of said quarter section a distance of 200 feet to the north line of said quarter section; thence west along said north line a distance of 100 feet to the point of beginning.
- (3) Lots 607 and 608 in Mars Hill, an addition in Marion County, Indiana, as per plat thereof recorded in plat book 16, page 147 in the office of the recorder. Subject to an easement granted to the State of Indiana for right-of-way purposes recorded in town lot record 1435, page 369.

(h) *Wayne Township*: Part of Wayne Township, Marion County, Indiana, described by the following 72 courses: Beginning at the intersection of the extended west right-of-way of Interstate Highway 465 with the north line of the northeast quarter of section 23, township 16 north, range 2 east, second principal meridian, said point being on the north line of Wayne Township:

- (1) Thence east along the north line of Wayne Township to the east line of Wayne Township;
- (2) Thence south along the east line of Wayne Township to a point distant 378.83 feet south from the northeast corner of section 21, township 15 north, range 3 east;
- (3) Thence north 70 degrees 41 minutes west (basis of bearings is unknown) to the southeasterly right-of-way line of Kentucky Avenue (State Highway 67);
- (4) Thence southwesterly along the southeasterly right-of-way line of Kentucky Avenue to the south line of Wayne Township;

- (5) Thence west along the south line of Wayne Township to the northwesterly right-of-way line of Kentucky Avenue;
- (6) Thence northeasterly along the northwesterly right-of-way line of Kentucky Avenue to the south right-of-way line of Raymond Street;
- (7) Thence west along the south right-of-way line of Raymond Street to a point distant 20 feet south from the southwest corner of the east half of the southeast quarter of section 16, township 15 north, range 3 east;
- (8) Thence north a distance of 20 feet to the southwest corner of the east half of the southeast quarter of section 16;
- (9) Thence north along the west line of the east half of the southeast quarter of section 16 to a point on the west bank of Big Eagle Creek;
- (10) Thence northerly along the west bank of Big Eagle Creek to the center line of Morris Street;
- (11) Thence east along the center line of Morris Street to the center line of Big Eagle Creek;
- (12) Thence northerly along the center line of Big Eagle Creek to the south right-of-way line of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad;
- (13) Thence southwesterly along the south right-of-way line of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad to the west right-of-way line of Tibbs Avenue (said line being distant 35 feet west from the west line of section 9, township 15 north, range 3 east);
- (14) Thence north, northwest and west along the westerly right-of-way line of Tibbs Avenue to the east right-of-way line of Exeter Avenue;
- (15) Thence north along the east right-of-way line of Exeter Avenue and along the northerly extension thereof to a point on the eastwardly projection of the south line of Creston addition (plat book 21, page 156, office of the Marion County recorder);
- (16) Thence westerly along the eastwardly projection of the south line of Creston addition and along said south line to the southwest corner of lot 1 in Creston addition;
- (17) Thence northerly along the west line of lot 1 and along the northerly extension of said west line to the north right-of-way line of Rockville Road;
- (18) Thence easterly along the north right-of-way line of Rockville Road to the southeast corner of lot 49 in Creston addition;
- (19) Thence northerly along the east line of lot 49 and along the northerly extension of said east line to a point on the top of the west bank of Big Eagle Creek;
- (20) Thence northwesterly along the top of the west bank of Big Eagle Creek to its intersection with the southeastwardly projection of the southwesterly line of lots 4, 5 and 6 in Block 11 of Salem Park Subdivision (plat book 17, page 150);
- (21) Thence northwesterly along the southeastwardly projection of the southwesterly line of lots 4, 5 and 6 to the southeast corner of said lot 4;
- (22) Thence northwesterly along the southwesterly line of lots 4, 5 and 6 and along the northwestwardly projection of said line to the center line of Market Street;
- (23) Thence east along the center line of Market Street and along the westerly extension of said center line to the top of the east bank of Big Eagle Creek;
- (24) Thence northerly along the top of the east bank of the Big Eagle Creek to the westerly extension of the north right-of-way line of Market Street;
- (25) Thence east along the westerly extension of the north right-of-way line of Market Street and along the north right-of-way line of Market Street to the east line of section 5, township 15 north, range 3 east;

- (26) Thence north along the east line of section 5 to the southwesterly right-of-way line of Tibbs Avenue;
- (27) Thence northwesterly and northerly along the southwesterly and westerly right-of-way line of Tibbs Avenue to the south right-of-way line of Cossell Road, the intersection of said right-of-way lines being distant 650.5 feet south from the north line and 20 feet west from the east line of the southeast quarter of section 5;
- (28) Thence north 90 degrees 00 minutes 00 seconds west along the south right-of-way line of Cossell Road a distance of 1113.48 feet;
- (29) Thence north 71 degrees 21 minutes 06 seconds west along the south right-of-way line of Cossell Road a distance of 502.85 feet;
- (30) Thence north 2 degrees 12 minutes 00 seconds east a distance of 271.23 feet to a point 220 feet south from the north line of the southeast quarter of section 5;
- (31) Thence north 90 degrees 00 minutes 00 seconds east parallel with the north line of the southeast quarter of section 5 a distance of 803.3 feet;
- (32) Thence south 2 degrees 12 minutes 00 seconds west a distance of 47.96 feet;
- (33) Thence north 90 degrees 00 minutes 00 seconds east a distance of 793.1 feet to the west right-of-way line of Tibbs Avenue;
- (34) Thence north along the west right-of-way line of Tibbs Avenue to the center line of Vermont Street;
- (35) Thence west along the center line of Vermont Street and said center line as extended west to a point in the center line of Little Eagle Creek;
- (36) Thence northerly along the center line of Little Eagle Creek to the south right-of-way line of Michigan Street;
- (37) Thence west along the south right-of-way line of Michigan Street to the southerly extension of the west right-of-way line of Olin Avenue;
- (38) Thence north along the southerly extension of the west right-of-way line of Olin Avenue and along said west right-of-way line to a point on the south line of the north half of the northwest quarter of section 5;
- (39) Thence west along the south line of the north half of the northwest quarter of section 5 and along the westerly extension of said south line to the west right-of-way line of Grande Avenue;
- (40) Thence south along the west right-of-way line of Grande Avenue to the north right-of-way line of Vermont Street;
- (41) Thence west along the north right-of-way line of Vermont Street to the west line of the northeast quarter of section 6, township 15 north, range 3 east;
- (42) Thence north along the west line of the northeast quarter of section 6 to the northwest corner of the south half of said northeast quarter;
- (43) Thence east along the north line of the south half of the northeast quarter of section 6 a distance of 752.4 feet;
- (44) Thence south 35 degrees east (basis of bearings is unknown) a distance of 399.96 feet;
- (45) Thence north 43.5 degrees east a distance of 419.1 feet to a point on the north line of the south half of the northeast quarter of section 6;
- (46) Thence north a distance of 26.7 feet;
- (47) Thence east to a point on the east right-of-way line of Grande Avenue said point being distant 1475.1 feet south from the north line of section 5, township 15 north, range 3 east;

- (48) Thence north along the east right-of-way line of Grande Avenue a distance of 545.1 feet;
- (49) Thence west to the west line of the northwest quarter of section 5;
- (50) Thence north along the west line of the northwest quarter of section 5 to the northwest corner of said northwest quarter;
- (51) Thence east along the north line of the northwest quarter of section 5 to the west right-of-way line of Olin Avenue;
- (52) Thence south along the west right-of-way line of Olin Avenue to the south right-of-way line of 10th Street;
- (53) Thence east along the south right-of-way line of 10th Street to the center line of Olin Avenue;
- (54) Thence northerly along the center line of Olin Avenue to the north right-of-way line of 16th Street, said north line being distant 45 feet north from the south line of the northeast quarter of section 32, township 16 north, range 3 east;
- (55) Thence east along the north right-of-way line of 16th Street to the west right-of-way line of the Cleveland, Cincinnati, Chicago and St. Louis Railroad;
- (56) Thence north along the west right-of-way line of the Cleveland, Cincinnati, Chicago and St. Louis Railroad to the south line of the northwest quarter of section 29, township 16 north, range 3 east;
- (57) Thence west along the south line of the northwest quarter of section 29 to the southwest corner of the east half of the west half of said northwest quarter;
- (58) Thence north along the west line of the east half of the west half of the northwest quarter of section 29 to a point distant 190 feet south from the north line of the northwest quarter of section 29;
- (59) Thence west parallel with the north line of the northwest quarter of section 29 to a point on the west line of said northwest quarter;
- (60) Thence south along the west line of the northwest quarter of section 29 to the northeast corner of lot 1 in John Van Blaricum's estate partition subdivision;
- (61) Thence west along the north line of lot 1 to the northwest corner of said lot 1;
- (62) Thence south along the west line of lot 1 to the southeast corner of lot 7 in Blaricum's estate partition subdivision;
- (63) Thence west along the south line of lot 7 to the southwest corner of said lot 7, said corner being on the west line of the east half of the northeast quarter of section 30, township 16 north, range 3 east;
- (64) Thence north along the west line of the east half of the northeast quarter of section 30 to a point distant 235 feet south from the northwest corner of said half quarter section;
- (65) Thence west parallel with the north line of the east half of the northeast quarter of section 30 a distance of 275 feet;
- (66) Thence north parallel with the east line of the east half of the northeast quarter of section 30 a distance of 235 feet to the north line of said half quarter section;
- (67) Thence west along the south line of section 19, township 16 north, range 3 east, and along the south line of section 24, township 16 north, range 2 east to the southwest corner of the southeast quarter of said section 24;
- (68) Thence north along the west line of the southeast quarter of section 24 a distance of 662 feet, more or less, to a point on the north corporation line of the city of Speedway;
- (69) Thence west along the north corporation line of the city of Speedway to a point on the west line of the southwest quarter of section 24;

- (70) Thence south along the west line of the southwest quarter of section 24 to its intersection with the south line of the southeast quarter of section 23, township 16 north, range 2 east;
- (71) Thence west along the south line of the southeast quarter of said section 23 to the west right-of-way line of Interstate Highway 465;
- (72) Thence north along the west right-of-way line of Interstate Highway 465 and along the northerly extension thereof to the point of beginning.

Also, the following 7 parcels (numbered 1 through 7):

- (1) A part of the northwest quarter of section 3, township 15 north, range 2 east, in Marion County, Indiana, that lies east of the Penn-Central Railroad, described as follows: Beginning at a point on the north line of said quarter section 986.45 feet west of the northeast corner of said quarter section; thence south parallel with the east line of said quarter section 250 feet; thence east parallel with said north line 351.45 feet; thence north 250 feet to the north line of said quarter section; thence west to the point of beginning; subject to the right-of-way of west 10th Street off the north side thereof.
- (2) Part of the southeast quarter of section 3, township 15 north, range 2 east, in Marion County, Indiana, described as follows: Commencing at the southeast corner of the southeast quarter of section 3, township 15 north, range 2 east, thence south 89 degrees 10 minutes 14 seconds west (assumed bearing) along the south line thereof a distance of 876 feet; thence north 00 degrees 49 minutes 46 seconds west parallel with the east right-of-way line of Rockleigh Avenue a distance of 50 feet to the beginning point of this description; thence south 89 degrees 10 minutes 14 seconds west parallel with the south line of said quarter a distance of 120.05 feet to a point 83 feet east of the east right-of-way line of Rockleigh Avenue; thence north 00 degrees 49 minutes 46 seconds west parallel with said right-of-way line a distance of 160 feet; thence north 89 degrees 10 minutes 14 seconds east parallel with the south line aforesaid a distance of 120.05 feet; thence south 00 degrees 49 minutes 46 seconds east parallel with said Rockleigh Avenue east line a distance of 160 feet to the beginning point; containing 0.44 acre, more or less, subject to right-of-way for the proposed widening of Rockville Road, per description set out for parcel 200 of ISHC project ST-F-86 (13), along the entire south side of the abovedescribed real estate; subject, also, to all other legal easements and rights-of-way.
- (3) Lot 25, Lookout Plaza, Marion County, Indiana, as per plat thereof, recorded in plat book 15, page 26, in the office of the recorder of Marion County.
- (4) Part of the northeast quarter of section 12, township 15 north, range 2 east, in Marion County, Indiana, described as follows: Beginning at a point in the north line of said quarter section distant west along said north line, 200 feet from the northeast corner thereof; thence south parallel with the east line of said quarter section a distance of 237.1 feet to a point distant 225 feet south from the center line of U.S. Highway 36; thence west parallel with said center line a distance of 91 feet; thence north parallel with said east line a distance of 232.25 feet to a point in said north line; thence east along said north line 91 feet to the place of beginning.
- (5) Beginning at the intersection of the west right-of-way line of Tibbs Avenue with a line parallel with and one (1) foot south of the north right-of-way line of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad:
 - a. Thence southwesterly along a line parallel with and one (1) foot south of the north right-of-way line of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad to a point on the southerly extension of the west right-of-way line of the first alley east of Banner Avenue;
 - b. Thence south along the southerly extension of the west right-of-way line of the first alley east of Banner Avenue to the north line of section 23, township 15 north, range 2 east;
 - c. Thence east along the north line of section 23 to the northeast corner of the northwest quarter of section 23;
 - d. Thence north along the west line of the southeast quarter of section 14, township 15 north, range 2 east a distance of 1660 feet;
 - e. Thence bearing north 72 degrees 22 minutes east (basis of bearings unknown) a distance of 1402.5 feet to the west line of the east half of the southeast quarter of section 14;

thence south along the west line of the east half of the southeast quarter of section 14 a distance of 1215.06 feet;

- f. Thence bearing north 88 degrees 07 minutes east a distance of 1336.35 feet to the east line of the southeast quarter of section 14;
- g. Thence south along the east line of the southeast quarter of section 14 a distance of 164.55 feet.
- h. Thence south 88 degrees 07 minutes west a distance of 1336.35 feet to the west line of the east half of the southeast quarter of section 14;
- i. Thence south along the west line of the east half of the southeast quarter of section 14 a distance of 329.48 feet;
- j. Thence north 88 degrees 07 minutes east to the east line of the southeast quarter of section 14;
- k. Thence south along the east line of the southeast quarter of section 14, a distance of 346.39 feet to the southeast corner thereof;
- l. Thence south along the east line of the northeast quarter of section 23, township 15 north, range 2 east to a point distant 597.03 feet south from the northeast corner of the southeast quarter of said section 23;
- m. Thence west along the south line of lot 104 in Little Ranches subdivision (as recorded in plat book 25, page 255, office of the Marion County recorder) to the southwest corner thereof;
- n. Thence south to the northwest corner of lot 106 in Little Ranches subdivision;
- o. Thence east along the north line of lot 106 in Little Ranches subdivision to the east line of section 23;
- p. Thence south along the east line of section 23 a distance of 129.73 feet;
- q. Thence west along the south line of lot 106 in Little Ranches subdivision to the southwest corner thereof;
- r. Thence south to the southeast corner of lot 133 in Little Ranches subdivision;
- s. Thence west along the south line of lots 133 and 162 to the west line of Little Ranches subdivision;
- t. Thence south along the west line of the east half of the southeast quarter of section 23 to the south line of section 23;
- u. Thence west with said south section line to the southwest corner of section 23;
- v. Thence continuing west along the south line of section 22, township 16 north, range 3 east, to a point distant 174.8 feet west from the southwest corner of the east half of the southwest quarter of said section 22;
- w. Thence north and parallel with the east line of the southwest quarter of section 22 a distance of 1191 feet;
- x. Thence east parallel with the south line of section 22 to the west line of the east half of section 22;
- y. Thence north with said half section line a distance of 140.24 feet;
- z. Thence east to a point on the east right-of-way line of the road running along the west line of the east half of section 22;
- aa. Thence north along the east right-of-way line of the road running along the west line of the east half of section 22 to the south line of the north half of section 22;

- bb. Thence west along the south line of the north half of section 22 to the southwest corner of the northeast quarter of said section 22;
 - cc. Thence north with the west line of the northeast quarter of section 22 and said west line extended north into adjoining section 15 to a point 106.3 feet north of the north line of section 22;
 - dd. Thence northeasterly on a line bearing north 72 degrees 19 minutes east a distance of 1382.5 feet to a point;
 - ee. Thence north and parallel with the east line of section 15 a distance of 8.89 feet;
 - ff. Thence northeasterly on a line bearing north 72 degrees 19 minutes east a distance of 1382.5 feet to the east line of section 15;
 - gg. Thence south with the east line of section 15 a distance of 29.82 feet;
 - hh. Thence northeasterly on a line bearing north 72 degrees 19 minutes east to the southerly extension of the east right-of-way line of the first alley west of Banner Avenue;
 - ii. Thence north along the southerly extensions of the east right-of-way line of the first alley west of Banner Avenue and along said east right-of-way line to a point distant 30 feet north from the south right-of-way line of Minnesota Street;
 - jj. Thence west along a line parallel with and distant 30 feet north from the south right-of-way line of Minnesota Street to the south right-of-way line of Washington Street;
 - kk. Thence northeasterly along the south right-of-way line of Washington Street to the northerly extension of the west right-of-way line of the first alley east of Banner Avenue;
 - ll. Thence south along the northerly extension of the west right-of-way line of the first alley east of Banner Avenue and along said west right-of-way line to the north right-of-way line of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad;
 - mm. Thence northeasterly along the north right-of-way line of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad to the west right-of-way line of Tibbs Avenue;
 - nn. Thence south along the west right-of-way line of Tibbs Avenue to the point of beginning.
- (6) A part of section 24, township 15 north, range 2 east, and a part of section 19, township 15 north, range 3 east, in Marion County, Indiana, described as follows: Beginning at a point in the center line of Lynhurst Drive 190 feet south of the northwest corner of the south half of the aforesaid section 19; running thence eastwardly at right angles to the center line of Lynhurst Drive 70 feet; thence northwardly deflecting left 87 degrees 53 minutes 25 seconds a distance of 600.12 feet; thence northeastwardly deflecting right 36 degrees 15 minutes a distance of 51.47 feet; thence eastwardly deflecting right 53 degrees 45 minutes a distance of 110 feet; thence northeastwardly deflecting left 24 degrees 56 minutes 54 seconds a distance of 439 feet; thence northeastwardly deflecting right 17 degrees 05 minutes 53 seconds a distance of 495.24 feet; thence eastwardly deflecting right 08 degrees 17 minutes 10 seconds a distance of 450.69 feet; thence northwardly deflecting left 87 degrees 49 minutes 14 seconds a distance of 125 feet; thence westwardly at right angles to the last described line 100 feet; thence northwestwardly deflecting right 08 degrees 54 minutes 16 seconds a distance of 653.97 feet; thence northwestwardly deflecting right 11 degrees 07 minutes 22 seconds a distance of 329.95 feet; thence northwardly deflecting right 69 degrees 58 minutes 22 seconds a distance of 50 feet; thence northeastwardly deflecting right 70 degrees 50 minutes a distance of 120 feet; thence northeastwardly deflecting right 19 degrees 10 minutes a distance of 200 feet to a point on the south property line of Bradbury Street; thence northwardly deflecting left 87 degrees 10 minutes a distance of 25 feet to a point on the center line of Bradbury Street that is 700 feet east of the center line of Lynhurst Drive; thence westwardly at right angles to the last described line 700 feet to a point in the center line of Lynhurst Drive; thence northwardly along and with said center line and the eastwardly line of section 24, township 15 north, range 2 east aforesaid a distance of 110.15 feet; thence westwardly deflecting left 91 degrees 45 minutes a distance of 55 feet; thence southwestwardly deflecting left 67 degrees 43 minutes a distance of 101.41 feet; thence southwardly deflecting left 20 degrees 29 minutes a distance of 70 feet; thence southwestwardly deflecting right 50 degrees 12 minutes a distance of 78.1 feet;

thence westwardly deflecting right 39 degrees 49 minutes a distance of 250 feet; thence southwestwardly deflecting left 11 degrees 19 minutes a distance of 101.98 feet; thence westwardly deflecting right 11 degrees 19 minutes a distance of 180 feet; thence southwardly at right angles to the last described line 125 feet; thence eastwardly at right angles to the last described line 80 feet; thence southeastwardly deflecting right 64 degrees 46 minutes a distance of 111.81 feet; thence southwestwardly deflecting right 84 degrees 21 minutes a distance of 193.03 feet; thence southwestwardly deflecting right 13 degrees 04 minutes a distance of 193.19 feet; thence southwestwardly deflecting right 10 degrees 26 minutes a distance of 762.3 feet; thence continue westwardly on a curve to the right having a radius of 5640 feet a distance of 380 feet to a point in the eastwardly line of a right-of-way acquired by the Indiana State Highway Commission by condemnation cause no. S61-1145 in the Marion Superior Court, room 5, filed October 13, 1961; thence northwardly along and with said eastwardly line a distance of 30 feet to the northeastwardly corner of said tract; thence westwardly along and with the north line thereof 67.2 feet; thence continue westwardly along said north line and deflecting right 00 degrees 51 minutes a distance of 97.9 feet; thence continuing westwardly along and with said north line and deflecting right 01 degree 00 minutes a distance of 97.9 feet; thence continue westwardly along and with said north line and deflecting right 00 degrees 46 minutes a distance of 53.5 feet; thence continue westwardly along and with said north line and deflecting right 00 degrees 16 minutes a distance of 390.4 feet; thence southwardly at right angles to the last abovedescribed line a distance of 64 feet; thence westwardly at right angles to the last abovedescribed line a distance of 2307.33 feet; thence northwestwardly on a curve to the right having a radius of 2809 feet a distance of 352.55 feet; thence continue northwestwardly tangent to the last above curve at the last abovedescribed point a distance of 124.97 feet to a point in the west property line of High School Road; thence southwardly deflecting left 97 degrees 28 minutes a distance of 100.87 feet; thence southeastwardly deflecting left 82 degrees 32 minutes a distance of 88.47 feet; thence southeastwardly on a curve to the right having a radius of 1886 feet a distance of 236.71 feet; thence continue southeastwardly tangent to the last abovedescribed curve at the last abovedescribed point a distance of 453.51 feet; thence eastwardly on a curve to the left having a radius of 1372.24 feet a distance of 524.08 feet; thence northeastwardly tangent to the last abovedescribed point a distance of 1003.6 feet; thence eastwardly on a curve to the right having a radius of 2268 feet a distance of 296.86 feet; thence eastwardly tangent to the last abovedescribed curve at the last abovedescribed point a distance of 323.57 feet; thence southwardly at right angles to the last abovedescribed line 19 feet; thence eastwardly at right angles to the last abovedescribed line 245.4 feet; thence continue eastwardly deflecting left 00 degrees 16 minutes a distance of 53.3 feet; thence continue eastwardly deflecting left 00 degrees 46 minutes a distance of 101.3 feet; thence continue eastwardly deflecting left 01 degrees 00 minutes a distance of 101.3 feet; thence continue eastwardly deflecting left 00 degrees 48 minutes a distance of 59.1 feet; thence continue eastwardly deflecting right 01 degree 34 minutes a distance of 143.75 feet to a point that is 85 feet southwardly from the center line of the Airport Expressway as established measured at right angles to said center line; thence continue eastwardly on a curve to the left having a radius of 5815 feet a distance of 308.2 feet to the point of tangent of said curve; thence southeastwardly deflecting right 04 degrees 58 minutes from the tangent to the last abovedescribed curve at the last abovedescribed point a distance of 257.26 feet; thence eastwardly deflecting left 07 degrees 26 minutes a distance of 377 feet; thence southeastwardly deflecting right 19 degrees 17 minutes a distance of 285.1 feet; thence eastwardly deflecting left 02 degrees 30 minutes a distance of 275.26 feet; thence southeastwardly deflecting right 23 degrees 21 minutes a distance of 239.63 feet; thence continue southeastwardly 150 feet, more or less, to a point that is 110 feet west of the east line of the aforesaid section 24 and 385.62 feet north of the south line of the north half of said section; thence southeastwardly 70 feet to a point that is 90 feet west of the east line of the aforesaid section 325 feet north of the south line of the north half of the aforesaid section; thence southwardly 575.05 feet to a point that is 75 feet west of the place of beginning and at right angles thereto; thence eastwardly 75 feet to the place of beginning; containing 46.346 acres, more or less.

The within described property contains a part of the right-of-way acquired by the Indiana State Highway Commission for the construction of the interchange designated as Interstate 465 and Bradbury Street; also the land acquired by the City of Indianapolis as per the board of public works of the City of Indianapolis Declaratory Resolution No. 17, 992, 1962, and subsequent additions thereto as per agreement by Park Fletcher Industrial and Research Center, Inc.

- (7) A part of the north half and a part of the south half of section 24, township 15 north, range 2 east, of the second principal meridian in Marion County, Indiana, more particularly described as follows: From the center of said section 24 measure eastwardly along and with the south line of the aforesaid north half 731.05 feet; thence northwardly at right angles to the said south

line 30 feet to a point on the northerly line of proposed Research Drive as now located and established; run thence southwestwardly on a curve to the left having a radius of 602.96 feet whose tangent is at right angles to the last abovedescribed line at the last abovedescribed point and along and with the northwestwardly line of proposed Research Drive a distance of 71.43 feet to the place of beginning of the within described tract; thence northeastwardly deflecting right 96 degrees 46 minutes from the tangent to the last described curve at the last abovedescribed point a distance of 200 feet; thence eastwardly deflecting right 89 degrees 28 minutes a distance of 198.49 feet to a point in the westwardly right-of-way line of proposed Executive Drive; thence northeastwardly deflecting left 77 degrees 39 minutes and along and with the westwardly line of proposed Executive Drive as the same is now located and established a distance of 243.92 feet; thence northeastwardly deflecting left 01 degree 11 minutes along and with the aforesaid westwardly line of proposed Executive Drive a distance of 23.55 feet to the intersection of said westwardly line of proposed Executive Drive and the southerly line of the Airport Expressway or Raymond Street Expressway; thence westwardly deflecting left 107 degrees 21 minutes along and with the aforesaid southerly line of the Airport Expressway 64.7 feet; thence continue westwardly deflecting right 03 degrees 32 minutes along and with the aforesaid southerly line 143.75 feet to the southeastwardly corner of the land acquired by the State of Indiana for the Interstate 465 and Bradbury Street interchange; thence continue westwardly along and with the southerly line of the right-of-way of said Interstate 465 and Bradbury Street interchange and deflecting left 01 degree 34 minutes a distance of 59.1 feet; thence westwardly along and with said southerly line and deflecting right 00 degrees 48 minutes a distance of 101.3 feet; thence continue westwardly along and with the said southerly right-of-way line and deflecting right 01 degree 00 minutes a distance of 101.3 feet; thence continue westwardly along and with said southerly right-of-way line and deflecting right 00 degrees 46 minutes a distance of 55.3 feet; thence continue westwardly along and with said southerly line and deflecting right 00 degrees 16 minutes a distance of 245.4 feet; thence southwestwardly deflecting left 08 degrees 18 minutes and along and with said southerly line 90 feet; thence westwardly deflecting right 05 degrees 53 minutes along and with said southerly line 28.3 feet; thence continue westwardly along and with said southerly line and deflecting left 02 degrees 25 feet a distance of 27.8 feet; thence southwestwardly on a curve to the left having a radius of 676.25 feet and deflecting left to the chord of said curve 08 degrees 24 minutes a distance of 171.72 feet measured along the arc of said curve to the northeastwardly corner of a certain 25.01-acre tract conveyed by Park Fletcher, Inc. to the Indiana National Bank of Indianapolis, Trustee, and recorded in the office of the recorder of Marion County, Indiana, in volume 2005, page 401, instrument no. 40893; thence southeastwardly along and with the northeastwardly line of the aforesaid 25.01-acre tract and deflecting left from the long chord of the last abovedescribed curve 116 degrees 48 minutes 30 seconds a distance of 739.9 feet to a point in the northwestwardly line of proposed Research Drive, said point being the northeastwardly corner of the aforementioned 25.01-acre tract; thence northeastwardly deflecting left 89 degrees 35 minutes 30 seconds and along and with the northwestwardly line of proposed Research Drive 59.12 feet; thence northeastwardly on a curve to the right having a radius of 602.96 feet, the last abovedescribed line being tangent to said curve at the last abovedescribed point, along and with said northwestwardly line of proposed Research Drive a distance of 338.82 feet to the place of beginning, containing 8.926 acres, more or less.

(i) *Center Township*: All of Center Township in Marion County, Indiana, except the territory within the corporate boundary of the City of Beech Grove.

SECTION 22. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 23. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 24. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Brown asked for consent to explain his vote. Consent was given. Councillor Brown said that he supports fire consolidation, but is against bail-outs and the impact on diversity.

PROPOSAL NO. 44, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 43, 2010 on February 3, 2010. The proposal, sponsored by Councillor Moriarty Adams, approves a restatement of the Marion County Sheriff's Department Personnel Retirement Plan. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 44, 2010 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
2 ABSENT: Cardwell, Smith

Proposal No. 44, 2010 was retitled GENERAL RESOLUTION NO. 3, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2010

A PROPOSAL FOR A GENERAL RESOLUTION to approve a restatement of the Marion County Sheriff's Department Personnel Retirement Plan to incorporate six (6) prior amendments to the Plan into the Plan document and to amend the Plan to comply with recent federal legislation which amended the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code of 1986, as amended, effective January 1, 2008.

WHEREAS, the Marion County Sheriff's Department Personnel Retirement Plan was established by the Marion County Sheriff's Department, Indianapolis, Indiana, effective January 1, 1963, the Plan was completely restated effective January 1, 2002, and has been amended six (6) times; and

WHEREAS, ERISA and the Internal Revenue Code have been amended requiring changes to the Plan, and the Marion County Sheriff's Department desires to comply with such requirements to maintain the tax-qualified status of the Plan pursuant to the Internal Revenue Code; and

WHEREAS, by Section 11.01 of the Marion County Sheriff's Department Personnel Retirement Plan, the Marion County Sheriff's Department reserved the right to amend the plan as provided for by state law; and

WHEREAS, state law mandates that a department may not establish or modify a retirement plan without approval of the county fiscal body; now therefore,

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to the specific authority granted by Indiana Code § 36-8-10-12, the restatement of the Marion County Sheriff's Department Personnel Retirement Plan shall be and hereby is approved.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 46, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 46, 2010 on February 11, 2010. The proposal, sponsored by Councillor Speedy, approves the request of the Department of Public Works to purchase certain land acquired for construction of a public works project. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Speedy moved, seconded by

Councillor Day, for adoption. Proposal No. 46, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cockrum, Coleman, Day, Evans, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Hunter
2 ABSENT: Cardwell, Smith

Proposal No. 46, 2010 was retitled GENERAL RESOLUTION NO. 4, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 2010

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County-Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

WHEREAS, the City of Indianapolis wishes to purchase an interest in land through a permanent easement and temporary easement upon a particular parcel of real estate located in Marion County, which acquisitions are more particularly described by Exhibit "A" and depicted by Exhibit "B", all of which are attached hereto and incorporated herein ("Real Estate Easements"); and

WHEREAS, the project for which the Real Estate Easements are being obtained is designed to construct the Castleton Relief Sewer under Project Number SS-06-006; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate Easements and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate Easements; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate Easements described in Exhibit "A" and depicted in Exhibit "B" (copies of which are attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66 the Real Estate is owned by Argonaut Holdings, Inc., through a Corporate Warranty Deed recorded in the office of the Marion County Recorder on October 20, 1999, as Instrument Number 1999-0195807.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 47, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 47, 2010 on February 9, 2010. The proposal, sponsored by Councillor Vaughn, approves the Mayor's establishment of a charter school, "Indiana Math and Science Academy North" by issuing a charter to Indiana Math and Science Academy East, Inc. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Scales stated that this school would be located in her district, and she believes it provides a niche that is needed, because students have fallen behind in these areas. She said that

this school will help Marion County students compete world-wide. She asked for support from fellow Councillors.

Councillor Lutz moved, seconded by Councillor Cockrum, for adoption. Proposal No. 47, 2010 was adopted on the following roll call vote; viz:

21 YEAS: Bateman, Brown, Cain, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Speedy, Vaughn
6 NAYS: Lewis, MahernB, MahernD, Mansfield, Minton-McNeill, Sanders
2 ABSENT: Cardwell, Smith

Proposal No. 47, 2010 was retitled COUNCIL RESOLUTION NO. 40, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 2010

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Indiana Math and Science Academy North" by issuing a charter to Indiana Math and Science Academy East, Inc.

WHEREAS, the Mayor is authorized by IC 20-24 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-24-3-5 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Indiana Math and Science Academy, Inc. for a charter school named "Indiana Math and Science Academy North"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Indiana Math and Science Academy North" by issuing a charter to Indiana Math and Science Academy East, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Councillor Evans asked for consent to explain his vote. Consent was given. Councillor Evanst said that he would like to explain his vote through a young student, Taylor, who shared a few words about the influence of the school on her life.

PROPOSAL NO. 48, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 48, 2010 on February 9, 2010. The proposal, sponsored by Councillor Pfisterer, approves a request of the School District of School Town of Speedway to certify its public question referendum to the County Election Board for the May, 2010 election. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Pfisterer stated that Speedway schools are one of the best in the state, but have been placed in the same economic situation as most other schools. She said that while there are some who may not know about the referendum, most of the constituents she has spoken with are ready and willing to support it. She said that this referendum puts the vote into the hands of the citizens.

Councillor Sanders said that this proposal does not approve the referendum or support of the schools, but simply approves the language to be placed on the ballot.

Councillor Lutz moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 48, 2010 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
2 ABSENT: Cardwell, Smith

Proposal No. 48, 2010 was retitled GENERAL RESOLUTION NO. 5, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 2010

PROPOSAL FOR A GENERAL RESOLUTION to certify a question to be submitted to voters in the May 4, 2010 election regarding a referendum tax levy by the School Town of Speedway (the "School Corporation").

WHEREAS, pursuant to IC 20-46-1-8(a)(1), a school corporation may place referendum on the ballot if it determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy; and

WHEREAS, because of the urgency of its financial situation, the School Corporation desires to hold this referendum by election on May 4, 2010 and has adopted the resolution required to place said referendum on the ballot pursuant to IC 20-46-1-8, attached hereto and made a part thereof; and

WHEREAS, pursuant to IC 20-46-1-12 and IC 20-46-1-14, the county fiscal body shall certify the question no later than sixty (60) days prior to the scheduled date of the referendum to the county election board to be voted on at the referendum; and

WHEREAS, pursuant to IC 20-46-1-10, the question to be submitted to voters residing in the jurisdiction of the School Corporation in the referendum must read, "For the next seven calendar years immediately following the holding of the referendum, shall the School Town of Speedway impose a property tax rate that does not exceed fifty-nine cents (\$0.59) on each one hundred dollars (\$100) of assessed valuation and that is in addition to the school corporation's normal tuition support tax rate?"; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to the specific authority and direction provided by IC 20-46-1-12, the City-County Council hereby certifies the question to be voted on at the referendum to be held in the May 4, 2010 election to the county election board.

SECTION 2. The question to be submitted to voters residing in the jurisdiction of the School Corporation in the referendum shall read as follows:

"For the next seven calendar years immediately following the holding of the referendum, shall the School Town of Speedway impose a property tax rate that does not exceed fifty-nine cents (\$0.59) on each one hundred dollars (\$100) of assessed valuation and that is in addition to the school corporation's normal tuition support tax rate?"

SECTION 3. Upon the effective date of this general resolution, the Clerk of the City-County Council shall deliver a certified copy thereof to the County Clerk in order that the County Clerk and the County Election Board may discharge their duties pursuant to IC 20-46-1 *et seq.*

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

NEW BUSINESS

Councillor Cockrum congratulated the Purdue Men's Basketball team for being in first place in the Big Ten and wished them well. Councillor Lutz wished the Indiana University Hoosiers well, and Councillor Hunter wished the Butler Bulldogs well in the competition.

Councillor Malone encouraged the public to return their census forms when they receive them.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Sanders stated that she had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Frieda Valeria Dezelan and Kenneth Keegan; and
- (2) Councillor Sanders in memory of Leo J. Hine.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of of Frieda Valeria Dezelan, Kenneth Keegan, and Leo J. Hine. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:25 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of February, 2010.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Melina Thompson
Clerk of the Council

(SEAL)